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LITIGIO ESTRATÉGICO EN DERECHOS HUMANOS, A.C.

Mexico

Criminal Structure Within the Public Prosecutor's Office of the State of Nayarit and Crimes Against Humanity

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I. Introduction

The signatory organisations submit the current communication to the Office of the Prosecutor of the International Criminal Court pursuant to article 15 of the Rome Statute. This communication aims to provide information on the commission of acts for which there is a reasonable basis to believe crimes against humanity (specifically, enforced disappearances) have been committed in the State of Nayarit, Mexico, from June to September of 2017, and which fall within the jurisdiction of the International Criminal Court.

Since 2006, the International Federation for Human Rights (hereinafter, "FIDH") together with various Mexican non-governmental organisations have documented and denounced crimes against humanity, including enforced disappearances, murders and torture, during specific periods and in different territories of Mexico:

- in 2014, information was submitted, together with the Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (hereinafter, "CMDPDH") and Comisión Ciudadana de Derechos Humanos del Noroeste A.C., to the Office of the Prosecutor of the International Criminal Court on the alleged commission of crimes against humanity in Baja California from 2006 to 2012;
- in 2017, a communication was submitted, together with Familias Unidas en Búsqueda y Localización de Personas Desaparecidas, Fuerzas Unidas por Nuestros Desaparecidos en México and Centro Diocesano para los Derechos Humanos Fray Juan de Larios, in association with over 90 organisations, on acts of murder, enforced disappearance and torture committed in Coahuila de Zaragoza; and
- in 2018, a report was sent, together with CMDPDH, Centro de Derechos Humanos Paso del Norte, Centro Diocesano para los Derechos Humanos Fray Juan de Larios, IDHEAS, Litigio Estratégico en Derechos Humanos (hereinafter, "IDHEAS"), Instituto Mexicano de Derechos Humanos y Democracia, Red Nacional de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todas y Todos" and Renacer Lagunero, on the alleged commission of crimes against humanity in Chihuahua, from 2008 through 2010.

These communications have provided sufficient elements to substantiate that crimes against humanity have been committed in Mexico and that the Office of the Prosecutor of the International Criminal Court has a reasonable basis to open a preliminary examination of the situation in Mexico.

The current communication is a continuation of our efforts to denounce crimes against humanity committed in Mexico and was jointly prepared by FIDH and IDHEAS. It focuses on the context and description of specific events that occurred in the State of Nayarit that we believe constitute crimes against humanity, specifically enforced disappearances, committed by a criminal organisation operating inside the Public Prosecutor's Office of Nayarit.

II. Methodology

The current report is based on the documentation of 70 cases of enforced disappearance and, in particular, 26 events in which at least 47 enforced disappearances were allegedly committed, between June and September of 2017, mainly in the Municipalities of Tepic, Francisco Madero, Santiago Ixcuintla, and San Blas, all located in the State of Nayarit.

Information gathered from testimonies and open sources (press releases, news in various media, publicly available government information and information obtained via freedom of information requests) was analysed and utilized to reconstruct the complex context in which the crimes described in the current report were committed.

During 2019 and 2020, the FIDH and IDHEAS conducted 71 interviews with the relatives of persons who had disappeared in the State of Nayarit. In addition to these in-person interviews with victims (relatives of disappeared persons), four meetings were organised with the victims to discuss the context analysis methodology used, with a view to verify the data collected through individual interviews and gather more detailed information. In addition, the report relies on an analysis of 30 clandestine graves found in different municipalities of Nayarit between June 2017 and May 2020, where at least 140 bodies of disappeared persons have been uncovered.

Finally, another relevant source of information for the preparation of the current report has been the investigations of the U.S. government into Edgar Veytia Cambero and Roberto Sandoval Castañeda – in particular the Eastern District Court of New York criminal case file of former Public Prosecutor Veytia Cambero, and the U.S. Department of the Treasury sanctions against former Governor Sandoval Castañeda. As of the date of this report, Mr. Veytia Cambero is currently serving a 20-year sentence in a New York federal prison and Mr. Sandoval Castañeda is detained in Mexico, accused of receiving funds from illicit sources.¹

1. US Department of Justice, 'Former Mexican State Attorney General Sentenced to 20 Years in Prison for Participation in International Narcotics Distribution Conspiracy', 26 September 2019, <https://www.justice.gov/usao-edny/pr/former-mexican-state-attorney-general-sentenced-20-years-prison-participation> (accessed 15 March 2021); Annex C – Veytia Case Documents; Carlos Álvarez, 'Juez federal gira orden de aprehensión contra ex Gobernador de Nayarit y su hija', *Noroeste*, 1 March 2021, <https://www.noroeste.com.mx/nacional/juez-federal-gira-orden-de-aprehension-contra-ex-gobernador-de-nayarit-y-su-hija-YY515122> (accessed 2 June 2021); US Department of the Treasury, 'Treasury Works with Government of Mexico Against Perpetrators of Corruption and their Networks', 17 March 2019, <https://home.treasury.gov/news/press-releases/sm692> (accessed 15 March 2021); Georgina Zerega, *El País*, 'Detenido el exgobernador de Nayarit Roberto Sandoval', 6 June 2021, <https://elpais.com/mexico/2021-06-06/detenido-el-exgobernador-de-nayarit-roberto-sandoval.html> (accessed 7 June 2021).

III. The context of violence in Nayarit

Mexico has been experiencing a widely documented crisis of violence and insecurity since the year 2006, which has led to public outcry and declarations by many national and international organisations.

As the organisations that have co-authored the current communication have publicly condemned: “The statistics are absolutely chilling: approximately 300,000 murders, more than 61,000 disappeared persons, 36,000 bodies and countless remains have yet to be identified, almost 4,000 clandestine graves, 11,000 complaints filed before federal courts for torture, and nearly 340,000 persons forcibly displaced by the violence in the country.”²

Notwithstanding these figures, the cases that receive the greatest amount of coverage and are best known to the international community are only the tip of the iceberg. The most serious crimes are concealed and immersed in injustice – the State of Nayarit is a clear example.

Nayarit has been the scene of countless crimes committed during the past decade. The testimonies and accounts documented during this period, which we discuss in the current communication, describe the egregious cruelty and brutality of criminal activities that benefit from the protection of public authorities. The terror that has plagued Nayarit is emblematic of a Mexican reality and an illustration of the impunity that reigns.

Although the current report focuses on enforced disappearances that occurred in the State of Nayarit from June to September 2017, these events took place within a broader context, from 2011 through 2017, during which crimes were committed against various segments of the population of Nayarit by State authorities, using resources and institutions that belonged to the State of Nayarit.

As will be described in the following section, Roberto Sandoval Castañeda governed Nayarit from September 2011 to September 2017 and appointed Edgar Veytia Cambero as the State’s Public Prosecutor.³ Beginning in 2011, Sandoval and Veytia, working together, created a criminal organisation within the Nayarit Public Prosecutor’s Office. During their six years in office, numerous crimes were committed through this criminal structure, including homicide, torture, property theft, threats, extortion, and enforced disappearances (mainly from June to September 2017). In addition, formal accusations of corruption and illicit enrichment, in connection with the aforementioned crimes, have been initiated against Nayarit government officials serving during this time period, among them Veytia and Sandoval, who received bribes from various drug trafficking cartels.

After Veytia’s arrest in the U.S. for drug trafficking, on 27 March 2017, the criminal organisation inside the Nayarit Prosecutor General’s Office continued to operate. In fact, the commission of certain crimes intensified, especially in the aftermath of Sandoval’s failure to win the June 2017 election, which was followed with a spree of violence against the inhabitants of Nayarit. From 2017 to 2018, at least 140 enforced disappearances took place. The 47 enforced disappearances described in this report occurred from June to September of 2017.⁴

2. FIDH and IDHEAS, *Situación de la impunidad en México: Llamamos al Estado Mexicano a reconocer la existencia de crímenes de lesa humanidad y remitir la situación de México a la Corte Penal Internacional*, no. 750e, 2020, p. 5, <https://www.fidh.org/IMG/pdf/mexique750esp.pdf>.

3. Veytia Cambero’s nomination was approved by the Nayarit State Congress in February 2013.

4. This number is based on 30 clandestine graves found between June 2017 and May 2020 in different municipalities in Nayarit. See Annex M – Hallazgo de fosas clandestinas y restos mortales identificados. However, it should be noted that the number of missing persons is not known exactly and ranges between 120 and 300 persons for the period from 2017 to 2019. See ‘El infierno de las fosas en Nayarit, la herencia de “El Diablo”’, *Milenio*, 31 January 2018, <https://www.milenio.com/policia/el-infierno-de-las-fosas-en-nayarit-la-herencia-de-el-diablo> (accessed 16 March 2017).

A. Geographical and political description of Nayarit

Located on the west coast of Mexico, Nayarit is one of the country's 32 States. It borders the Pacific Ocean and the State of Sinaloa to the west; the States of Sinaloa and Durango to the north; the States of Durango, Zacatecas and Jalisco to the east; and Jalisco and the Pacific Ocean to the south.



Map of the federal states of Mexico. © INEGI

The State is divided into 20 municipalities and its capital is the city of Tepic. Nayarit makes up 1.42% of the national territory. As of the last census in 2015, the population was 1,188,671 inhabitants, of which 595,050 are female and 586,000 are male; 69% of the population lives in urban areas and 31% in rural areas. The State ranks 29th in the country in number of inhabitants, with an average density of 42 people per square kilometre. Five out of every ten persons in Nayarit speak an indigenous language. Nayarit contributes 0.7% to the national GDP, making it is one of the poorest States in the country.⁵

The most populous municipalities of Nayarit are Tepic (413,608), with 35.02% of the State's total population; Bahía de Banderas (150,250); Santiago Ixcuintla (97,820); Compostela (75,520); Xalisco (57,418); and San Blas (43,979).⁶

5. Instituto Nacional de Estadística, Geografía e Informática (INEGI), 'México en Cifras', <https://www.inegi.org.mx/app/areasgeograficas/> (accessed 15 March 2021).

6. *Ibid.*



Map of Nayarit. © INEGI

As is the case with all Mexican States, executive power is vested in a Governor, whose mandate lasts six years.⁷ In turn, executive power in each of the 20 municipalities of Nayarit is exercised by municipal presidents (mayors), who serve for three years.⁸ The legislative power is the State Congress, which is renewed every three years and is composed of 30 deputies.⁹ The judicial power is vested in the Superior Court of Justice – composed of 17 magistrates – and the courts established by law; magistrates are appointed to 10-year terms and may be reappointed only once for the same 10-year term.¹⁰

7. Political Constitution of the Free and Sovereign State of Nayarit (Constitución Política del Estado Libre y Soberano de Nayarit), Article 63.

8. *Ibid.*, Article 106.

9. *Ibid.*, Article 35.

10. *Ibid.*, Articles 81 and 83.

The Public Prosecutor's Office of the State of Nayarit investigates and prosecutes crimes. In 2013, the "Procuraduría General de Justicia" was replaced by the Public Prosecutor's Office¹¹ and with that nominally became an institution independent from executive branch. The head of the Public Prosecutor's Office is appointed by the State governor and confirmed by the Nayarit State Congress, for a term of seven years that can be renewed once.¹² The Public Prosecutor's Office of the State of Nayarit oversees subsidiary bodies such the Nayarit Police and legal experts.¹³

This report will outline two periods which are crucial to understanding the enforced disappearances committed in Nayarit from June to September 2017, which are analysed below. The first period spans from 2011 to February 2017. During this period Veytia and Sandoval established and consolidated a criminal organisation within the Public Prosecutor's Office of Nayarit (known as the "Procuraduría General de Justicia" from 2011 to 2013), which worked in conjunction with various drug trafficking cartels. During this time, this criminal group committed acts of homicide, torture, property theft, arbitrary detentions, threats and extortion. The second period runs from February 2017 to the present and is marked by the enforced disappearances committed by the Public Prosecutor's Office from June to September 2017 and by the subsequent discovery of clandestine mass graves containing the bodies of forcibly disappeared persons.

B. The first period, 2011 to 2017: acts of homicide, torture, property theft, arbitrary detention and extortion, committed by the criminal organisation operating within the Nayarit Public Prosecutor's Office

From the start of Sandoval's governorship in 2011, he and Edgar Veytia put together a group involved in criminal activities and which operated from within the government and the Nayarit Public Prosecutor's Office. Their objective was to gain control of the territory of Nayarit and to profit from various forms of crime, including drug trafficking. To this end, a team of trusted individuals was established within the Office of the Governor and the Public Prosecutor of Nayarit, which included various government officials who would later be involved in the enforced disappearances that took place between June and September of 2017.

As will be documented below, the criminal organisation formed within the Nayarit Public Prosecutor's made human and material resources from the Public Prosecutor's Office available to different drug trafficking cartels, thereby transforming Nayarit into "a production and trafficking centre for synthetic drugs".¹⁴ From 2011 to 2017, the criminal organisation sold services to various drug cartels¹⁵ and at times worked with more than one at the same time, among them the Beltrán Leyva cartel and its Nayarit

11. Decree that reformed various provisions of the Political Constitution of the Free and Sovereign State of Nayarit in election matters and replaced the name of the Attorney General's Office ("Procuraduría General de Justicia") with the Public Prosecutor's Office. The decree also recognized the autonomy and the principles guiding the exercise of its functions, Official Gazette of the Government of the State of Nayarit, volume CXCII, section one, 21 January 2013. Available at: <https://transparencia.nayarit.gob.mx/resources/uploads/pgjnay/pdfs/Decreto%20Crea%20Fiscalia%20General%20del%20Estado%202013-01-21.pdf>. As of January 2017, it was established that the Public Prosecutor would remain in his post for a period of nine years. See Political Constitution of the Free and Sovereign State of Nayarit, Article 93.

12. Political Constitution of the Free and Sovereign State of Nayarit, Article 93.

13. Organic Law of the Nayarit Public Prosecutor's Office (Ley Orgánica de la Fiscalía General del Estado de Nayarit), Official Gazette, 15 May 2014, Art. 35. Available at: http://www.cnpj.gob.mx/normatividad/Documentos_Normatividad/Ley%20Orgánica%20de%20la%20Fiscal%C3%ADa%20General%20del%20Estado%20de%20Nayarit.pdf.

14. Dennis A. García, 'Nayarit. La tierra del despojo', *El Universal*, 4 July 2017, <https://www.eluniversal.com.mx/articulo/nacion/sociedad/2017/07/4/gobernador-de-nayarit-arropo-narcofiscal> (accessed 15 March 2021).

15. Indeed, Edgar Veytia is currently serving a 20-year sentence in a US prison for his involvement in drug trafficking from Nayarit to the U.S., including for using "Mexican law enforcement to protect drug loads, intimidate and harm rival drug traffickers", as well as for using "his role as Attorney General to obstruct justice when cartel members were arrested." See US Department of Justice, 'Former Mexican State Attorney General Sentenced to 20 Years in Prison for Participation in International Narcotics Distribution Conspiracy', 26 September 2019, <https://www.justice.gov/usao-edny/pr/former-mexican-state-attorney-general-sentenced-20-years-prison-participation> (accessed 15 March 2021) and Annex C – Documentos caso Veytia. Likewise, Roberto Sandoval, currently detained in Mexico, received bribes from various drug cartels during his term as governor, for which he has been sanctioned by the U.S. government. See US Department of the Treasury, 'Treasury Works with Government of Mexico Against Perpetrators of Corruption and their Networks', 17 May 2019, <https://home.treasury.gov/news/press-releases/sm692> (accessed 15 March 2021).

cell, the Hs; the Zetas, then the armed wing of the Gulf Cartel; and the Jalisco New Generation Cartel (hereinafter "CJNG").¹⁶

Between 2011 and 2017 there are serious accusations of cases of property theft, threats, extortion, kidnapping, torture, enforced disappearances, femicide and homicide, in addition to illicit enrichment through collaboration with various drug cartels.¹⁷ Notably, the criminal structure of the Nayarit Public Prosecutor's Office utilized the Nayarit Police to sow fear. The criminal organisation had under its command hooded police agents¹⁸ who acted as "its armed wing" and were involved in the commission of these crimes.¹⁹ While the drug cartels with which the Prosecutor's Office worked changed, the commission of crimes by the criminal organisation within the Nayarit Public Prosecutor's Office (the "Procuraduría General de Justicia" from 2011 to 2013) remained constant from 2011 to 2017. During this time period, this criminal group utilized the human and material resources of the Public Prosecutor's Office in the commission of crimes against inhabitants of the State of Nayarit.²⁰

Among these crimes, various State civil servants, including Veytia and Sandoval, have been formally accused of dispossessing farmers and businessmen of large tracts of land and other property, with the aim of appropriating these assets for themselves. As will be described below, the criminal organisation created within the Nayarit Public Prosecutor's Office carried out hundreds of cases property theft and extortion, which resulted in the illicit enrichment of Nayarit State government officials, including Veytia and Sandoval from 2011 to 2017.²¹ These cases were documented by the civil society organisation Comisión de la Verdad de Nayarit ("CVN") [Nayarit Truth Commission]. To achieve their objectives, authorities threatened, tortured, and detained or imprisoned the rightful owners of properties and/or their relatives and forced them to sign sale and purchase agreements before notaries public in exchange for little or no payment.²²

Likewise, human rights organisations and victims have also testified about cases where the police had been accused of gender-based violence and which were covered up by Nayarit officials who exploited their positions of power to avoid prosecution.²³

Additionally, many testimonies contain descriptions of acts of torture, overcrowding, punishment cells, and informal self-governance in the Venustiano Carranza prison, the worst rated prison in the country. For years, the prison was controlled by organised crime groups with the acquiescence of the public authorities, acting in conjunction with the Nayarit Public Prosecutor's Office. The prison also housed persons accused of crimes who had had evidence planted on them, or for whom there was no evidence to justify their detention. Victims have on many occasions reported the involvement of the Nayarit judiciary in these acts.²⁴

16. Patricia Dávila, "El Diablo" Veytia y sus amigos', *Revista Proceso*, 5 April 2017, <https://www.proceso.com.mx/480725/diablo-veytia-sus-amigos> (accessed 15 March 2021).

17. *Ibid.*; Patricia Dávila, 'Cae en San Diego California fiscal de Nayarit, Édgar Veytia, vinculado al narco', *Revista Proceso*, 29 March 2017, <https://www.proceso.com.mx/480013/cae-en-san-diego-california-fiscal-nayarit-edgar-veytia-vinculado-al-narco> (accessed 15 March 2021). Journalist Patricia Dávila points the finger at Veytia as "a direct operator at the service of [the cartels]... he operated, according to the times in which each cartel in the region operated, he was in command of them and recently for the Jalisco New Generation Cartel." Furthermore, she indicated that "The Prosecutor has been accused of robberies, murders, kidnappings, imprisoning people to keep their property, etc." See 'Fiscal de Nayarit estaba al servicio de los cárteles del narcotráfico: Patricia Dávila (Video)', *Aristegui Noticias*, 29 March 2017, <https://aristeginoticias.com/2903/mexico/fiscal-de-nayarit-estaba-al-servicio-de-los-carteles-el-narcotrafico-patricia-davila-video/> (accessed 15 March 2021). Likewise, see: 'Periodista advirtió sobre 'Édgar Veytia, el oscuro fiscal de Nayarit', *Regeneración*, 29 March 2017, <https://regeneracion.mx/edgar-veytia-el-oscuro-fiscal-de-nayarit/> (accessed 15 March 2021); Karina Cancino, Milda Benitez Robledo, César Pérez Delgado, Daniel Lizárraga, 'El fiscal que hizo de Nayarit un infierno', *Mexicanos contra la Corrupción y la Impunidad*, <https://investigaciones.contralacorrupcion.mx/edgar-veytia-fiscal-infierno-nayarit/> (accessed 15 March 2021).

18. 'Gobernador de Nayarit dio aval a narcofiscal para operar', *La Silla Rota*, 4 July 2017, <https://lasillarota.com/gobernador-de-nayarit-dio-aval-a-narcofiscal-para-operar-nayarit-edgar-veytia-narcofiscal-fiscal/161454> (accessed 15 March 2021). Reportedly Veytia was always armed. See *Noticieros Televisa*, 'Gobernador de Nayarit habla de la detención de Édgar Veytia Despierta con Lore', YouTube, 30 March 2017, <https://www.youtube.com/watch?v=CHhMZS84rxw&t=37s> (accessed 15 March 2021) and 'Nayarit se juega la permanencia del PRI', *La Silla Rota*, 3 June 2017, <https://lasillarota.com/estados/nayarit-se-juega-la-permanencia-del-pri/154687> (accessed 15 March 2021).

19. Dennis A. García, 'Nayarit. La tierra del despojo', *El Universal*, 4 July 2017, <https://www.eluniversal.com.mx/articulo/nacion/sociedad/2017/07/4/gobernador-de-nayarit-arropo-narcofiscal> (accessed 15 March 2021).

20. Information based on interviews by FIDH/IDHEAS. See also footnote 17.

21. See section "Property theft and extortion", below.

22. See footnote 20.

23. *Ibid.* See also Patricia Dávila, 'En Nayarit, pase libre al feminicidio', *Revista Proceso*, 13 April 2017, <https://www.proceso.com.mx/reportajes/2017/4/13/en-nayarit-pase-libre-al-feminicidio-182198.html> (accessed 15 March 2017).

24. See footnote 20. See also Dennis García, 'Así es "El Infierno", la cárcel de Veytia en Nayarit', *El Universal*, 23 February 2018, <https://www.eluniversal.com.mx/nacion/seguridad/asi-es-el-infierno-la-carcel-del-diablo-veytia-en-nayarit> (accessed 15 March 2021).

Everything seems to indicate that the reasons some persons were illegally detained were to instil fear and extort money from the victims, who refused to sell their land or who did not want to pay the extortion money requested by authorities, a practice referred to as “derecho de piso”. Moreover, the Nayarit Public Prosecutor’s Office would often condition the issuance of arrest warrants on payments that ranged from 70 to 300,000 Mexican pesos.²⁵

Despite this context of criminality, Nayarit was applauded for its low rates of violence; for, allegedly, having reduced crime; for the efficiency, integrity, and qualifications of its officials, especially those in the Nayarit Public Prosecutor’s Office; and for its peace-building strategies at a time when the country was suffering the brunt of the so-called “war on drugs”.

Locally, few media outlets espoused criticism of the State government – Nayarit was a State where freedom of expression had been gagged. The press was threatened and silenced during Sandoval’s six-year term and many journalists had to leave the country to safeguard their lives and integrity. As of 2013, investigative journalists were already reporting on the crimes committed by the Public Prosecutor’s Office, including property thefts. At the time, the investigative articles were either ignored or disregarded by the Mexican State authorities in charge.²⁶

The fact that Nayarit’s statistics on crime had been tampered with or silenced is now public knowledge. During Sandoval’s government, there was a well-founded and widespread fear among the population when it came to reporting crimes to the very authorities who were committing them. When people did decide to report crimes, the Public Prosecutor’s Office often refused to record their complaints; refused to open cases; or would simply record the facts (“actas circunstanciadas”) without taking any further action. These records never led to genuine investigations, nor were they included in crime statistics.

The situation described herein came to light after the arrest of Edgar Veytia on 27 March 2017 in San Diego, California. Veytia was arrested by United States law enforcement officials on charges of conspiring to manufacture, import and distribute heroin, cocaine, methamphetamine and marijuana.²⁷ On 26 September 2019, after pleading guilty, the former prosecutor was sentenced by the Eastern District Court of New York to a twenty-year sentence.²⁸ In addition, Roberto Sandoval was detained in Mexico on 6 June 2021, together with his daughter Lidy Alejandra, accused of receiving funds from illicit sources.²⁹ The former governor, who spent months as a fugitive from justice prior to his detention,³⁰ has also been sanctioned by the U.S. government for corruption and receiving bribes from drug cartels.³¹ In the following section we explain how Edgar Veytia acted as the right-hand man of former governor of Nayarit, Roberto Sandoval, even prior to the beginning of Sandoval’s six-year term in office in 2011. Once in power, in 2011, Sandoval and Veytia created a criminal organisation within the Nayarit Public Prosecutor’s Office, which operated alone or in collusion with drug trafficking cartels to commit crimes from 2011 to 2017. In the two following sections, we will outline the rise and illicit enrichment of this criminal organisation.

15 March 2021); Marcos Muedano, ‘Édgar Veytia controlaba todas las policías’, *Excelsior*, 7 April 2017, <https://www.excelsior.com.mx/nacional/2017/04/07/1156451> (accessed 15 March 2021). Subsequently, the US government would reveal that a magistrate in the Sandoval administration, Isidro Avelar Gutiérrez, even received bribes from the Jalisco New Generation Cartel and its financial arm, Los Cuinis, in exchange for favourable sentences. See Alejandro Domínguez, ‘Fiscalía de Nayarit asegura que Sandoval huyó de México; él dijo en marzo que no lo haría’, *Milenio*, <https://www.milenio.com/policia/roberto-sandoval-huyo-mexico-asegura-fiscalia-nayarit> (accessed 15 March 2021).

25. See footnote 20. See also Patricia Dávila, ‘Hasta \$300 mil, los “moches” en Nayarit para ejecutar órdenes de aprehensión’, *Revista Proceso*, 7 July 2017, <https://www.proceso.com.mx/reportajes/2017/7/7/hasta-300-mil-los-moches-en-nayarit-para-ejecutar-ordenes-de-aprehension-187416.html> (accessed 15 March 2021).

26. See footnote 20 and ‘Nayarit: por asesinato de periodista, vinculan a proceso a 3 ex funcionarios de Tránsito (Video)’, *Aristegui Noticias*, 16 January 2019, <https://aristeguinoticias.com/1601/kiosko/por-asesinato-de-periodista-vinculan-a-proceso-a-13-ex-funcionarios-de-transito-en-nayarit-video/> (accessed 15 March 2021).

27. ‘Mexican State’s Attorney General Arrested in San Diego on Drugs Charges’, *The Guardian*, 30 March 2017, <https://www.theguardian.com/world/2017/mar/30/edgar-veytia-mexico-drugs-attorney-general-san-diego> (accessed 16 March 2021).

28. US Department of Justice, ‘Former Mexican State Attorney General Sentenced to 20 Years in Prison for Participation in International Narcotics Distribution Conspiracy’, 26 September 2019, <https://www.justice.gov/usao-edny/pr/former-mexican-state-attorney-general-sentenced-20-years-prison-participation> (accessed 15 March 2021). See also Annex C – Documentos caso Veytia.

29. Georgina Zerega, *El País*, ‘Detenido el exgobernador de Nayarit Roberto Sandoval’, 6 June 2021, <https://elpais.com/mexico/2021-06-06/detenido-el-exgobernador-de-nayarit-roberto-sandoval.html> (accessed 7 June 2021).

30. ‘Ofrecen tercera orden de aprehensión contra Roberto Sandoval’, *El Heraldo de México*, 19 December 2020, <https://heraldodemexico.com.mx/nacional/2020/12/19/ofrecen-tercera-orden-de-aprehension-contra-roberto-sandoval-237329.html> (accessed 15 March 2021).

31. US Department of the Treasury, ‘Treasury Works with Government of Mexico Against Perpetrators of Corruption and their Networks’, 17 May 2019, <https://home.treasury.gov/news/press-releases/sm692> (accessed 15 March 2021).

1. Criminal organisation created within the Nayarit Public Prosecutor's Office

a. Edgar Veytia's alliance with Roberto Sandoval: the origins of a criminal group

Edgar Veytia Cambero, also known as “El Diablo”, “Eepp”, and “Lic Veytia”,³² was born in Tijuana, Baja California, on 14 April 1970. His birth was registered in San Diego, California and he is a dual national with Mexican and U.S. citizenship. According to his lawyer, Veytia attended elementary, middle-school and high school in the San Diego suburbs of Chula Vista, California.³³ He studied law³⁴ (1996-2000) at the Universidad Alica in Tepic, Nayarit, where he also completed a master's degree (2009-2011) and a doctorate (2013-2015) in Forensic Sciences at the Instituto de Ciencias Jurídicas de Nayarit, A.C. (Institute of Legal Sciences of Nayarit, A.C.).³⁵ As will be seen below, the authenticity of these educational and professional degrees is disputed.

In the following section we explain how, from 2011 to 2017, Veytia used the criminal organisation he created together with Sandoval, within the Nayarit Public Prosecutor's Office, to put State human and material resources at the disposal of various drug trafficking cartels in exchange for bribes.³⁶ Veytia is currently serving a twenty-year sentence in the United States for his complicity in drug trafficking.³⁷

Veytia arrived in Nayarit in the mid-1990s. His wife and family are originally from Nayarit. “El Diablo” began his career buying used tools in Tijuana, which he then sold to bus drivers in Nayarit. He also washed and repaired vehicles, and later became a fare collector for the public transport system.³⁸ In 1999, his father-in-law, a bus owner, gifted him a bus and a permit to transport people from Tepic to Compostela. Veytia invested his earnings in a second vehicle and started his own Tepic-Compostela bus line.³⁹ He went on to establish many other bus lines and businesses in Mexico and the United States.⁴⁰ In this way, Veytia started consolidating a small transportation company used for drug trafficking, including marijuana and heroin, according to local media.⁴¹ At the time, Veytia was allegedly already involved in threatening or extorting drivers and, in 2005, he was accused of battery.⁴² From 2005 to 2010, Mexico's Public Prosecutor's Office (at the time, Procuraduría General de la República) initiated at least four investigations into drivers, passengers, and buses that “linked Autobuses Coordinados de Nayarit (ACN) [Coordinated Buses of Nayarit] – the company connected to the family of former Nayarit Prosecutor Edgar Veytia – to heroin trafficking in the northwest of the country.”⁴³ On the other hand, Roberto Sandoval Castañeda was born on 15 November 1969 and is originally from Tepic, Nayarit. He

32. Annex C – Documentos caso Veytia.

33. According to his birth certificate. See Karina Cancino, Mildra Benitez Robledo, César Pérez Delgado, Daniel Lizárraga, ‘El fiscal que hizo de Nayarit un infierno’, Mexicanos contra la Corrupción y la Impunidad, <https://investigaciones.contralacorupcion.mx/edgar-veytia-fiscal-infierno-nayarit/> (accessed 15 March 2021).

34. Brenda Yañez, ‘¿Quién es Edgar Veytia y por qué en EU se la acusa de narcotráfico?’, *Expansión política*, 5 January 2019, <https://politica.expansion.mx/mexico/2019/01/05/quien-es-edgar-veytia-y-por-que-en-eu-se-la-acusa-de-narcotrafico> (accessed 1 June 2021).

35. Ficha Curricular – Edgar Veytia’, Portal de transparencia y acceso a la información pública del Estado de Nayarit, https://transparencia.nayarit.gob.mx/resources/uploads/pgjnay/pdfs/2_Curriculum_SPGJ_LicVeytia.pdf (accessed 15 March 2021).

36. Annex C – Documentos caso Veytia, Letter of Prosecutor Richard P. Donoghue, 19 September 2019, p. 2.

37. US Department of Justice, ‘Former Mexican State Attorney General Sentenced to 20 Years in Prison for Participation in International Narcotics Distribution Conspiracy’, 26 September 2019, <https://www.justice.gov/usao-edny/pr/former-mexican-state-attorney-general-sentenced-20-years-prison-participation> (accessed 15 March 2021). See also Annex C – Documentos caso Veytia.

38. Marcos Muedano, ‘Édgar Veytia fue fichado desde 2005 por lesiones’, *Excelsior*, 5 April 2017, <https://www.excelsior.com.mx/nacional/2017/04/05/1156011> (accessed 15 March 2021).

39. ‘Profile of ‘El Diablo’ Veytia’, *The News*, 7 April 2017, <https://www.thenews.mx/opinion/profile-of-el-diablo-veytia/> (accessed 15 March 2021). He also started selling gold and installing slot machines. See Marcos Muedano, ‘Édgar Veytia fue fichado desde 2005 por lesiones’, *Excelsior*, 5 April 2017, <https://www.excelsior.com.mx/nacional/2017/04/05/1156011> (accessed 15 March 2021).

40. Marcos Muedano, ‘Veytia se volvió zar del transporte; antes vendía herramientas usadas’, *Excelsior*, 11 April 2017, <https://www.excelsior.com.mx/nacional/2017/04/11/1157089> (accessed 15 March 2021).

41. Sources requesting anonymity say that Veytia Cambero used his line of trucks to bring in “cloves”, i.e. goods such as “marijuana and heroin processed in the laboratories that the prosecutor has in the Nayarit highlands”. See Patricia Dávila, ‘“El Diablo” Veytia y sus amigos’, *Revista Proceso*, 5 April 2017, <https://www.proceso.com.mx/480725/diablo-veytia-sus-amigos> (accessed 15 March 2021).

42. Marcos Muedano, ‘Édgar Veytia fue fichado desde 2005 por lesiones’, *Excelsior*, 5 April 2017, <https://www.excelsior.com.mx/nacional/2017/04/05/1156011> (accessed 15 March 2021).

43. See Francisco Sandoval, ‘7 años sin resultados: La PGR indagó por narcotráfico a empresa vinculada al exfiscal de Nayarit’, *Animal Político*, 5 April 2017, <https://www.animalpolitico.com/2017/04/pgr-exfiscal-nayarit-heroina/> (accessed 15 March 2021).

is the youngest of six children and comes from a poor family of butchers. He is married to Lilia López Torres and has two children.⁴⁴ Initially, Sandoval sold leather and worked as a butcher.⁴⁵ At one point after that, he quit his studies in agricultural engineering and migrated to the United States,⁴⁶ where he worked as a street sweeper in Los Angeles.⁴⁷

By virtue of a friendly relationship between the Sandoval Castañeda family and that of the then governor of Tepic, Ney González Sánchez, Roberto Sandoval was appointed head of the Tepic municipal slaughterhouse (rastro municipal), a position he occupied briefly in 2005.⁴⁸ This is the year Sandoval enters politics, with González Sánchez endorsing him for the offices of legislative representative and then mayor of Tepic.⁴⁹ Sandoval served as mayor (municipal president) of Tepic from 2008 to 2011. While Veytia and Sandoval became friends when the former first arrived in Nayarit,⁵⁰ once Sandoval became the mayor of Tepic in 2008, they became inseparable allies. "When Veytia was arrested in the United States, Sandoval distanced himself entirely from him. However, the men had a very close relationship and were practically family, 'compadres'"⁵¹ so much so that in 2013 Sandoval was the godfather to Edgar Veytia's daughter⁵² on her 15th birthday, two months after his appointment as Public Prosecutor of Nayarit.⁵³ Understanding their relationship is key to grasping the violent period that shook Nayarit in the years that followed.

b. The rise to power of a criminal group inside the Nayarit Public Prosecutor's Office

The booming political careers of Roberto Sandoval and Edgar Veytia began almost 10 years before Veytia's arrest. In 2005, Roberto Sandoval stepped down as head of the Tepic municipal slaughterhouse (rastro municipal) to run for State representative for the Institutional Revolutionary Party (PRI), which he won with support from Ney González, the aforementioned governor of Tepic from 2005 to 2011. From 2005 to 2008, Sandoval was a member of the XXVIII Nayarit State Congress,⁵⁴ during which he served as chairman of the Youth and Sports Commission. In 2008, he won the election for the municipal presidency (mayorship) of Tepic, a position he occupied until 2011. During his term as mayor, he was also president of the Northern Region of the National Federation of Municipalities of Mexico.⁵⁵

Veytia's career breakthrough came when Sandoval included him as part of his cabinet in the Nayarit government.⁵⁶ Veytia began as director of Transit and Roads in 2008⁵⁷ and, on 26 August 2009, while Sandoval was still Mayor of Tepic,⁵⁸ Sandoval appointed him as Secretary of Public Security, Transit and

44. Claudia Ramírez, 'Quién es Roberto Sandoval: el ex gobernador de Nayarit acusado por EEUU de complicidad con el CJNG', *Infobae*, 3 March 2020, <https://www.infobae.com/america/mexico/2020/03/03/quien-es-roberto-sandoval-el-ex-gobernador-de-nayarit-acusado-por-eeuu-de-complicidad-con-el-cjng/> (accessed 16 March 2021).

45. Noticieros Televisa, '¿Qué pasó en Nayarit durante el gobierno de Roberto Sandoval? Despierta con Loret', YouTube, 12 January 2018, https://www.youtube.com/watch?v=YSuGwt_6kGs (accessed 16 March 2021).

46. Claudia Ramírez, 'Quién es Roberto Sandoval: el ex gobernador de Nayarit acusado por EEUU de complicidad con el CJNG', *Infobae*, 3 March 2020, <https://www.infobae.com/america/mexico/2020/03/03/quien-es-roberto-sandoval-el-ex-gobernador-de-nayarit-acusado-por-eeuu-de-complicidad-con-el-cjng/> (accessed 16 March 2021).

47. Patricia Dávila, 'El enriquecimiento del gobernador de Nayarit y una petición: "que vaya a la cárcel"', *Revista Proceso*, 3 May 2017, <https://www.proceso.com.mx/484874/enriquecimiento-del-gobernador-nayarit-una-peticion-vaya-a-la-carcel> (accessed 16 March 2021).

48. *Ibid.*

49. *Ibid.*

50. Javier Risco, 'La complicidad', *El Financiero*, 12 December 2019, <https://www.elfinanciero.com.mx/opinion/javier-risco/la-complicidad> (accessed 16 March 2021).

51. ¿Quién es Édgar Veytia, el "narcofiscal" del CJNG?, *La Silla Rota*, 5 January 2019, <https://lasillarota.com/estados/quien-es-edgar-veytia-el-narcofiscal-del-cjng-cjng-edgar-veytia-fiscal/264858> (accessed 16 March 2021).

52. Noe Moreno, 'Rostros Nayarit 48', 6 April 2013, https://issuu.com/revistarostros/docs/rostros_48_baja/25 (accessed 16 March 2021).

53. 'Nayarit: los costos de la paz narca', *Newsweek México*, 26 May 2017, <https://newsweekespanol.com/2017/05/coahuila-los-costos-de-la-paz-narca/> (accessed 16 March 2021).

54. Patricia Dávila, 'El enriquecimiento del gobernador de Nayarit y una petición: "que vaya a la cárcel"', *Revista Proceso*, 3 May 2017, <https://www.proceso.com.mx/484874/enriquecimiento-del-gobernador-nayarit-una-peticion-vaya-a-la-carcel> (accessed 16 March 2021).

55. Claudia Ramírez, 'Quién es Roberto Sandoval: el ex gobernador de Nayarit acusado por EEUU de complicidad con el CJNG', *Infobae*, 3 March 2020, <https://www.infobae.com/america/mexico/2020/03/03/quien-es-roberto-sandoval-el-ex-gobernador-de-nayarit-acusado-por-eeuu-de-complicidad-con-el-cjng/> (accessed 16 March 2021).

56. Patricia Dávila, 'Activa, la red mafiosa del exfiscal Veytia', *Revista Proceso*, 1 May 2017, <https://www.proceso.com.mx/484532/activa-la-red-mafiosa-del-exfiscal-veytia> (accessed 15 March 2021).

57. 'Gobernador de Nayarit dio aval a narcofiscal para operar', *La Silla Rota*, 4 July 2017, <https://lasillarota.com/gobernador-de-nayarit-dio-aval-a-narcofiscal-para-operar-nayarit-edgar-veytia-narcofiscal-fiscal/161454> (accessed 16 March 2021).

58. Patricia Dávila, 'El Diabolo' Veytia y sus amigos', *Revista Proceso*, 5 April 2017, <https://www.proceso.com.mx/480725/diablo>

Roads of Tepic.⁵⁹ By 2009, the criminal organisation which would later operate from inside the Nayarit Public Prosecutor's Office had begun to take shape. According to a media article: "From the time he became Secretary of Public Security of Tepic, Edgar Veytia consolidated the structure that would later, from inside the State Public Prosecutor's Office and under his orders, operate as one more unit at the service of drug cartels, mainly the Beltrán Leyva [cartel]".⁶⁰ Thus, as early as 2009, a criminal structure was being created within the State Government of Nayarit. From the outset Edgar Veytia, who already had contacts with drug trafficking groups from his bus operating business, utilized the State's public resources to assist drug cartels and thereby enrich Roberto Sandoval, himself, and other members of their criminal group, as will be further discussed below.

True political consolidation came in 2011, when Roberto Sandoval was elected governor of Nayarit for the 2011-2017 term. A 10-point lead and 45.53% of the vote in the first round of elections made Sandoval, the candidate from a coalition comprised of the PRI, PVEM and Nueva Alianza parties, dubbed "Nayarit nos Une", the undisputed winner of the election.⁶¹ On 19 September 2011, Roberto Sandoval became governor of Nayarit and appointed Veytia as deputy Public Prosecutor (subprocurador de Justicia).⁶²

In 2011, once Sandoval and Veytia were in power, while the latter was still acting as deputy Public Prosecutor, a criminal organisation begins to take shape inside the Nayarit State government. Subsequently, through the Public Prosecutor's Office, this criminal structure used government officials and public resources to commit the crimes described in the current report. As previously stated, from the beginning the criminal group headed by Veytia and Sandoval operated with a group of trusted individuals who Veytia had been bringing together since 2009, when he was Secretary of Public Security, Transit and Traffic of Tepic.⁶³

On 24 October 2011, a little over a month into Sandoval's governorship,⁶⁴ the Nayarit Police was created. The Nayarit State Police force operates irregularly: "[the] members [of the Nayarit Police] always wear hoods and travel in official vehicles with tinted windows and no license plates".⁶⁵ Veytia, in his capacity as Deputy Public Prosecutor (Subprocurador) created the Nayarit Police as part of a State security plan.⁶⁶ The members of the Nayarit Police, who operated under the authority of the Public Prosecutor's Office, were "equipped with long guns (R-15 rifles) and [...] [knew] how to operate special aerial and land vehicles, such as the AH -64 Apache helicopter and the three types of armored Rhino trucks built to withstand .50 caliber projectiles called La Montaña, La Roca and La Piedra."⁶⁷ By the last year of Sandoval's six-year term, the Nayarit Police was comprised of over a thousand hooded policemen, operating without identification and using the vehicles with no license plates of the Public Prosecutor's Office⁶⁸ – all of which suggests that the Nayarit Police operated as an irregular force. The situation

veytia-sus-amigos (accessed 15 March 2021).

59. *Ibid.*

60. Patricia Dávila, 'Activa, la red mafiosa del exfiscal Veytia', *Revista Proceso*, 1 May 2017, <https://www.proceso.com.mx/484532/activa-la-red-mafiosa-del-exfiscal-veytia> (accessed 15 March 2021).

61. 'Roberto Sandoval, Gobernador Electo de Nayarit', *Noticias Nayarit*, 3 July 2011, <https://www.noticiasnayarit.com/2011/07/03/roberto-sandoval-gobernador-electo-de-nayarit/> (accessed 16 March 2021).

62. Patricia Dávila, "El Diablo" Veytia y sus amigos', *Revista Proceso*, 5 April 2017, <https://www.proceso.com.mx/480725/diablo-veytia-sus-amigos> (accessed 15 March 2021). Veytia took with him to the Public Prosecutor's Office a trusted team he had already forged during his time as Transit Director. See Patricia Dávila, 'Activa, la red mafiosa del exfiscal Veytia', *Revista Proceso*, 1 May 2017, <https://www.proceso.com.mx/484532/activa-la-red-mafiosa-del-exfiscal-veytia> (accessed 15 March 2021).

63. Patricia Dávila, 'Activa, la red mafiosa del exfiscal Veytia', *Revista Proceso*, 1 May 2017, <https://www.proceso.com.mx/484532/activa-la-red-mafiosa-del-exfiscal-veytia> (accessed 15 March 2021).

64. Lorena Soto, 'Cumple Policía Nayarit 5 años de su creación', *Periódico Enfoque*, 25 October 2016, <https://enfoquenayarit.com/cumple-policia-nayarit-5-anos-de-su-creacion/> (accessed 16 March 2021).

65. Patricia Dávila, "El Diablo" Veytia y sus amigos', *Revista Proceso*, 5 April 2017, <https://www.proceso.com.mx/480725/diablo-veytia-sus-amigos> (accessed 15 March 2021). See also Karina Cancino, Mildra Benitez Robledo, César Pérez Delgado, Daniel Lizárraga, 'El fiscal que hizo de Nayarit un infierno', Mexicanos contra la Corrupción y la Impunidad, <https://investigaciones.contralacorrupcion.mx/edgar-veytia-fiscal-infierno-nayarit/> (accessed 15 March 2021); 'Sufre atentado Edgar Veytia, Sub Procurador de Justicia en Nayarit', *New Network Communication NNC MX*, 14 December 2011, <http://www.nnc.mx/categoria/portada/sufre-atentado-edgar-veytia-sub-procurador-de-justicia-en-nayarit/71286> (accessed 15 March 2021); *New Network Communication NNC MX*, 'Sufre atentado Edgar Veytia Sub Procurador General de Justicia en Nayarit', YouTube, 14 December 2011, https://www.youtube.com/watch?v=U_riJB7il7o (accessed 15 March 2021).

66. Karina Cancino, 'Por Veytia, en Nayarit patrullan en autos sin placas y encapuchados', *El Financiero*, 28 April 2017, <https://www.elfinanciero.com.mx/nacional/por-veytia-en-nayarit-patrullan-en-autos-sin-placas-y-encapuchados> (accessed 22 March 2021).

67. *Ibid.*

68. *Ibid.*

is compounded by the fact that Veytia put the Nayarit Police “at the service of [...] criminal groups”,⁶⁹ thereby placing Nayarit Police resources at the disposal of drug trafficking cartels.

Further evidence that the Nayarit police was subordinate to the criminal group that operated within the Nayarit Public Prosecutor’s Office are the favors promised by the Sandoval administration to police officers. According to a former police officer, Veytia and Sandoval allegedly promised officers the delivery of 500 homes in the “Unidos por tu Seguridad” housing development in Tepic in exchange for the officers’ loyalty and their permanence in the police force.⁷⁰ Also noteworthy is that in September 2017, once Roberto Sandoval was no longer in office, a member of the Public Prosecutor’s Office resigned and took with him 40 police officers, together with 80 long guns and small arms – further proof of the degree of control of the Nayarit’s Public Prosecutor’s criminal organisation over State security forces and their resources.⁷¹

By 2011 and 2012, when Veytia was still Deputy Public Prosecutor, the criminal structure within the government of Nayarit, backed by the recently established Nayarit Police under Veytia’s orders, already sought to control drug trafficking in the State of Nayarit. Example of this is the conflict between Veytia and “Los Pelochos”, a Nayarit cell of the Sinaloa Cartel, a group that repeatedly threatened the Nayarit Police.⁷² On 14 December 2011, the leader of “Los Pelochos”, Benigno Ibarra Valle (alias “El Pelochito”), led an attack against Veytia in one of his safe houses, in the El Pedregal de San Juan development in Tepic.⁷³ During the attack, Veytia’s armoured car was shot at with AK-47s (known as “cuerno de chivo” or “goat horns”) and AR-15 223s. Various police forces responded to the attack and the ensuing crossfire lasted for 20 minutes.⁷⁴ In retaliation, two months later, Veytia and the Nayarit Police captured 10 members of “Los Pelochos”, including their leader.⁷⁵ Commenting on the capture, Veytia declared, “This is one of the main blows we have landed and we have already arrested his brother. We arrested his brother a few days afterwards, about a month and a half ago. He has already been brought before justice; and now the leader of this gang has been captured.”⁷⁶ With this Veytia quickly demonstrates the hold of the Nayarit Public Prosecutor’s Office (the “Procuraduría” at that time) and its members over drug cartels operating in the region.

According to former government servants, during the early years of Roberto Sandoval’s governorship, Veytia, who was still Deputy Public Prosecutor (Subprocurador) at the time, sought to exert an undue influence over the judicial branch of Nayarit government. According to press articles, a former magistrate recounted that Veytia would barge into the office of Nayarit’s Public Prosecutor, Javier Germán Rodríguez,

69. Patricia Dávila, ‘El Diabolo’ Veytia y sus amigos’, *Revista Proceso*, 5 April 2017, <https://www.proceso.com.mx/480725/diablo-veytia-sus-amigos> (accessed 15 March 2021). See also Karina Cancino, Mildra Benitez Robledo, César Pérez Delgado, Daniel Lizárraga, ‘El fiscal que hizo de Nayarit un infierno’, *Mexicanos contra la Corrupción y la Impunidad*, <https://investigaciones.contralacorrupcion.mx/edgar-veytia-fiscal-infierno-nayarit/> (accessed 15 March 2021); ‘Sufre atentado Edgar Veytia, Sub Procurador de Justicia en Nayarit’, *New Network Communication NNC MX*, 14 December 2011, <http://www.nnc.mx/categoria/portada/sufre-atentado-edgar-veytia-sub-procurador-de-justicia-en-nayarit/71286> (accessed 16 March 2021).

70. Annex S – Policías sin casa.

71. Annex G – Artículo Periódico Realidades.

72. ‘Con la captura de Benigno Ibarra, se hace justicia a los policías asesinados: Veytia’, *New Network Communication NNC MX*, 18 January 2012, <https://www.nnc.mx/categoria/nayarit/con-la-captura-de-benigno-ibarra--se-hace-justicia-a-los-policias-asesinados:-veytia/74065> (accessed 16 March 2021). See also ‘Desarticularon la banda de “los pelochos”’, *New Network Communication NNC MX*, 19 January 2012, <https://nnc.mx/categoria/policiaca/%C2%A1desarticularon-la-banda-de-%E2%80%9Clos-pelochos%E2%80%9D/74110> (accessed 16 March 2021); ‘Cae ‘El Pelochito’, jefe de célula en Nayarit del cártel de Sinaloa’, *Nayarit en línea*, 18 January 2012, <http://nayaritenlinea.mx/2012/01/18/cae-el-pelochito-jefe-de-celula-en-nayarit-del-cartel-de-sinaloa?vid=36358> (accessed 16 March 2021).

73. Manuel Juárez, ‘El día que El Chapo atentó contra Veytia’, *Diario Crítica*, 4 March 2017, <http://www.diario-critica.mx/nota.php?id=52850> (accessed 16 March 2021).

74. Veytia commented at the time that: “the attack was in response to the results of the work carried out by the Nayarit government against organized crime.” The attack came in the wake of three attacks in less than 24 hours: the attack on the director of public security of a municipality in Chihuahua, which left him seriously wounded, and the murder of a prison director in Coahuila. ‘Atentan contra subprocurador de Nayarit’, *Revista Proceso*, 14 December 2011, <https://www.proceso.com.mx/291295/atentan-contra-subprocurador-de-nayarit> (accessed 16 March 2021).

75. ‘Con la captura de Benigno Ibarra, se hace justicia a los policías asesinados: Veytia’, *News Network Communication NNC MX*, 18 January 2012, <https://www.nnc.mx/categoria/nayarit/con-la-captura-de-benigno-ibarra--se-hace-justicia-a-los-policias-asesinados:-veytia/74065> (accessed 16 March 2021).

76. *Ibid.* See also ‘Desarticularon la banda de “los pelochos”’, *New Network Communication NNC MX*, 19 January 2012, <https://nnc.mx/categoria/policiaca/%C2%A1desarticularon-la-banda-de-%E2%80%9Clos-pelochos%E2%80%9D/74110> (accessed 16 March 2021); ‘Cae ‘El Pelochito’, jefe de célula en Nayarit del cártel de Sinaloa’, *Nayarit en línea*, 18 January 2012, <http://nayaritenlinea.mx/2012/01/18/cae-el-pelochito-jefe-de-celula-en-nayarit-del-cartel-de-sinaloa?vid=36358> (accessed 16 March 2021); ‘Caen diez presuntos narcos en Nayarit’, *Vanguardia*, 18 January 2012, <https://vanguardia.com.mx/caendiezpresuntosnarcosennayarit-1198377.html> (accessed 16 March 2021).

and “shout obscenities and then some”⁷⁷ at him. Germán Rodríguez eventually resigned⁷⁸ and Veytia became the head of the Nayarit “Procuraduría General” from January 2012 to February 2013.⁷⁹ Less than a year later, he was awarded the title of “Civil Servant of the Year” by Roberto Sandoval.⁸⁰

As mentioned above, there are doubts as to the authenticity of documents used for Veytia’s appointments to various public posts. In 2011 Edgar Veytia became Executive Secretary of the State Public Security System.⁸¹ According to Article 15 of the Law of the State Public Security System, the executive secretary should be a Mexican citizen by birth, with no other nationality.⁸² As aforementioned, Veytia was a dual Mexican-U.S. citizen.⁸³ Additionally, according to the civil association Mexicanos contra la Corrupción y la Impunidad [Mexicans Against Corruption and Impunity], the Institute of Legal Sciences of Nayarit where “El Diablo” Veytia claims to have studied for his doctorate is not registered with the Ministry of Public Education. Further, there is no record of Veytia having attended high school in Nayarit from 1992-1995, contrary to what he has claimed.⁸⁴ Finally, there are irregularities in Veytia’s law degree, for which conferral was issued on 22 January 2013, just one month before he was nominated for the position of State Public Prosecutor.⁸⁵

In addition, when Sandoval wanted Veytia to be confirmed as Nayarit’s Public Prosecutor, Veytia lacked the years of experience, as a lawyer, required for the position. The former governor thus ordered “the modification of article 94 of the State Constitution so that persons appointed as prosecutors would not have to prove that they had a law degree for at least ten years”.⁸⁶

Shortly thereafter, in February 2013,⁸⁷ upon Sandoval’s nomination,⁸⁸ the State Congress unanimously appointed⁸⁹ Veytia as Public Prosecutor of the State of Nayarit for a seven-year term.⁹⁰ Lauded by the State Congress from the beginning of his tenure, this period was referred to as “the new era” of the Public Prosecutor’s Office.⁹¹

77. Patricia Dávila, ‘El enriquecimiento del gobernador de Nayarit y una petición: “que vaya a la cárcel”’, *Revista Proceso*, 3 May 2017, <https://www.proceso.com.mx/484874/enriquecimiento-del-gobernador-nayarit-una-peticion-vaya-a-la-carcel> (accessed 16 March 2021).

78. *Ibid.*

79. Salvador Arellano Murillo, ‘El fiscal que declaró la guerra al ‘narco’ y fue detenido en EU’, *Milenio*, 29 March 2017, <https://www.milenio.com/policia/fiscal-declaro-guerra-narco-detenido-eu> (accessed 16 March 2021).

80. Paris Alejandro Salazar, ‘Exfiscal Édgar Veytia, de “funcionario del año” a traficante de droga’, *La Silla Rota*, 29 March 2017, <https://lasillarota.com/exfiscal-edgar-veytia-de-funcionario-del-ano-a-trafficante-de-droga/142925> (accessed 16 March 2021).

81. Karina Cancino, Mildra Benitez Robledo, César Pérez Delgado, Daniel Lizárraga, ‘El fiscal que hizo de Nayarit un infierno’, Mexicanos contra la Corrupción y la Impunidad, <https://investigaciones.contralacorrupcion.mx/edgar-veytia-fiscal-infierno-nayarit/> (accessed 15 March 2021).

82. Law on the State Public Security System (Ley del Sistema Estatal de Seguridad Pública), Art. 15. See also Karina Cancino, Mildra Benitez Robledo, César Pérez Delgado, Daniel Lizárraga, ‘El fiscal que hizo de Nayarit un infierno’, Mexicanos contra la Corrupción y la Impunidad, <https://investigaciones.contralacorrupcion.mx/edgar-veytia-fiscal-infierno-nayarit/> (accessed 15 March 2021).

83. Karina Cancino, Mildra Benitez Robledo, César Pérez Delgado, Daniel Lizárraga, ‘El fiscal que hizo de Nayarit un infierno’, Mexicanos contra la Corrupción y la Impunidad, <https://investigaciones.contralacorrupcion.mx/edgar-veytia-fiscal-infierno-nayarit/> (accessed 15 March 2021).

84. Karina Cancino, ‘Veytia tendría título de abogado irregular; Congreso de Nayarit ya investiga’, *NTV Noticias*, 30 September 2019, <https://www.ntv.com.mx/2019/09/30/veytia-tendria-titulo-de-abogado-irregular-congreso-de-nayarit-ya-investiga/> (accessed 16 March 2021).

85. *Ibid.*

86. Marcos Muedano, ‘Édgar Veytia controlaba todas las policías’, *Excelsior*, 7 April 2017, <https://www.excelsior.com.mx/nacional/2017/04/07/1156451> (accessed 16 March 2021).

87. Noticieros Televisa, ‘Gobernador de Nayarit habla de la detención de Édgar Veytia Despierta con Loret’, YouTube, 30 March 2017, <https://www.youtube.com/watch?v=CHhMZS84rxw&t=37s> (accessed 16 March 2021).

88. Patricia Dávila, ‘“El Diablo” Veytia y sus amigos’, *Revista Proceso*, 5 April 2017, <https://www.proceso.com.mx/480725/diablo-veytia-sus-amigos> (accessed 15 March 2021). See also ‘Fiscal de Nayarit estaba al servicio de los cárteles del narcotráfico: Patricia Dávila (Video)’, *Aristegui Noticias*, 29 March 2017, <https://aristeginoticias.com/2903/mexico/fiscal-de-nayarit-estaba-al-servicio-de-los-carteles-del-narcotrafico-patricia-davila-video/> (accessed 16 March 2021).

89. Paris Alejandro Salazar, ‘Exfiscal Édgar Veytia, de “funcionario del año” a traficante de droga’, *La Silla Rota*, 29 March 2017, <https://lasillarota.com/exfiscal-edgar-veytia-de-funcionario-del-ano-a-trafficante-de-droga/142925> (accessed 16 March 2021) and ‘Edgar Veytia nuevo Fiscal General del Estado’, *El Sol de Nayarit*, 18 February 2013, <http://www.elsoldenayarit.mx/politica/18088-edgar-veytia-nuevo-fiscal-general-del-estado> (accessed 16 March 2021).

90. Patricia Dávila, ‘“El Diablo” Veytia y sus amigos’, *Revista Proceso*, 5 April 2017, <https://www.proceso.com.mx/480725/diablo-veytia-sus-amigos> (accessed 15 March 2021).

91. ‘Edgar Veytia nuevo Fiscal General del Estado’, *El Sol de Nayarit*, 18 February 2013, <http://www.elsoldenayarit.mx/politica/18088-edgar-veytia-nuevo-fiscal-general-del-estado> (accessed 16 March 2021).

c. Consolidation of the power of the Public Prosecutor's Office of Nayarit

During his first press conference as Public Prosecutor, Veytia announced “big changes in the structure of the Public Prosecutor’s Office” and stated that he was working on a “single authority” [mando único] for all law enforcement bodies.⁹² The newly appointed prosecutor explained that the “single authority is a reality that we the people of Nayarit will soon be living. In practice, we have already introduced it. As is well known, the police forces of Tepic, San Blas, Santa Maria del Oro, Tuxpan – we have several police forces – have voluntarily joined the ‘mando unico’”⁹³. Through the “mando único” and Veytia’s already existing power as Executive Secretary of the State Public Security System, the former Public Prosecutor was able to control municipal police forces and appointments to key posts.⁹⁴ The “Government of the People”, as Roberto Sandoval’s administration called itself, promoted the establishment of this centralized, single police authority (the “mando único”).⁹⁵

On 15 July 2015, Edgar Veytia, vis-à-vis the Secretary General of the Nayarit State Congress, Francisco Javier Herrera Casillas, submitted draft legislation to modify and expand, by various articles, the State Public Security System Act, including article three.⁹⁶ The legislative reform launched by Veytia consolidated the public security agency [la Secretaría de Seguridad Pública, the Public Security Secretariat] under the command of the Nayarit Public Prosecutor’s Office, which Veytia already headed.⁹⁷ The head of the Secretariat, Jorge Alonso Campos Huerta, was kept on as the public face of the institution, but *de facto* control over public security resided with Edgar Veytia and the criminal organisation operating within the Public Prosecutor’s Office.⁹⁸

With the creation of a unified police command [mando único], Veytia – the “Iron Prosecutor”, as he was called for the next four years – and the criminal organisation he and Roberto Sandoval created exercised solo control over the Nayarit Police, the State police, and municipal police forces.⁹⁹ During his tenure, Veytia forced 19 municipalities, including Xalisco¹⁰⁰ to accept the “mando único” system. Initially, the city of Tepic refused to join,¹⁰¹ but eventually it gave in, like those in the rest of the State.¹⁰² The “mando único” system even allowed State authorities based in Tepic to influence strategic areas such as Puerto Vallarta, located in the State of Jalisco, but which forms a single urban area with the city of Bahía de Banderas in Nayarit.¹⁰³ The army and navy were represented at the various ceremonies held for the implementation of the “mando único” system.¹⁰⁴ In sum, after Veytia’s appointment, the criminal organisation of the Nayarit Public Prosecutor’s Office controlled all the police forces in the State of Nayarit.¹⁰⁵

92. *Ibid.*

93. *Ibid.*

94. Luis Herrera, ‘Crimen Organizado – ‘Diablo’ interestatal’, *Reporte Indigo*, 11 April 2017, <https://www.reporteindigo.com/reportes/edgarveytia-bahia-banderas-crimen-organizado-influencia-puerto-vallarta/> (accessed 16 March 2021).

95. ‘Tendrá la policía mando único en Nayarit: Veytia’, *News Network Connection NNC MX*, 22 May 2013, <https://www.nnc.mx/categoria/portada/tendra-la-policia-mando-unico-en-nayarit-veytia/1369277509> (accessed 16 March 2021).

96. The article was modified as follows: “la función de seguridad pública se realizará en los diversos ámbitos de competencia por conducto de la Fiscalía General del Estado”. Law on the State Public Security System (Ley del Sistema Estatal de Seguridad Pública), Article 3. See also Marcos Muedano, ‘Édgar Veytia controlaba todas las policías’, *Excelsior*, 7 April 2017, <https://www.excelsior.com.mx/nacional/2017/04/07/1156451> (accessed 16 March 2021).

97. Law on the State Public Security System (Ley del Sistema Estatal de Seguridad Pública), Art. 3.

98. Marcos Muedano, ‘Édgar Veytia controlaba todas las policías’, *Excelsior*, 7 April 2017, <https://www.excelsior.com.mx/nacional/2017/04/07/1156451> (accessed 16 March 2021).

99. Raúl Torres, ‘Édgar Veytia Cambero. Era jefe policial... y “El Diablo”’, *El Universal*, 30 March 2017, <https://www.eluniversal.com.mx/articulo/estados/2017/03/30/edgar-veytia-cambero-era-jefe-policial-y-el-diablo> (accessed 16 March 2021).

100. ‘Xalisco se suma al mando único en Nayarit’, *Diario de Nayarit*, 6 June 2016, <https://diariodenayarit.mx/2016/06/06/xalisco-se-suma-al-mando-unico-en-nayarit/> (accessed 16 March 2021).

101. Myriam Navarro, ‘Se disipa mando único en Nayarit; fiscal devuelve 139 policías a Tepic’, *Periódico La Jornada*, 7 April 2015, p. 28, <https://www.jornada.com.mx/2015/04/07/estados/028n3est> (accessed 16 March 2021).

102. Francisco Mejía, ‘Policía de Nayarit tiene “carta blanca”: alcalde de Tepic’, *Milenio*, 5 April 2017, <https://www.milenio.com/politica/policia-nayarit-carta-blanca-alcalde-tepic> (accessed 16 March 2021).

103. Luis Herrera, ‘Crimen Organizado – ‘Diablo’ interestatal’, *Reporte Indigo*, 11 April 2017, <https://www.reporteindigo.com/reportes/edgarveytia-bahia-banderas-crimen-organizado-influencia-puerto-vallarta/> (accessed 16 March 2021).

104. ‘Acuerdan Mando Único en Nayarit a cargo de la Fiscalía’, *Regional del Sur*, 13 October 2014, <https://www.regionaldelsur.com/acuerdan-mando-unico-en-nayarit-a-cargo-de-la-fiscalia/> (accessed 16 March 2021).

105. Marcos Muedano, ‘Édgar Veytia controlaba todas las policías’, *Excelsior*, 7 April 2017, <https://www.excelsior.com.mx/nacional/2017/04/07/1156451> (accessed 16 March 2021). In 2016, Veytia boasted: “The unified police command [Mando Único] has had kept indicators insecurity levels low, the public’s confidence in authorities has improved, in terms of reporting [crimes]; and police units have been through trainings. These elements are part of our advancement, [and] we are not lowering our guard.” See ‘Resultado del Mando Único’, *La Yunta de Tepic*, 4 October 2016, <http://www.layuntadetepic.com/2016/10/resultado-del-mando-unico-2/> (accessed 16 March 2021).

d. "Pax Narca"

Violence had increased considerably in the State of Nayarit during the six-year governorship that preceded that of Sandoval. In 2009 and 2010, the number of homicides increased by 147%, from 148 to 367 cases. The following year, in 2011, that figure rose to 456 homicides.¹⁰⁶ According to another source of statistics, 1,124 people were killed during this two-year period, "more than during the previous eight years". Then, abruptly in 2012, the murder rate fell by 50% and continued to fall for the next four years – "in 2016, the murder rate was half the national rate and 80% lower than in 2011."¹⁰⁷

It is astounding how Nayarit even came to rival other States such as Yucatán, Campeche, and Aguascalientes for the title of one of the safest in the country.¹⁰⁸ The National Survey of Victimization and Perception of Public Security [Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública – ENVIPE] of the National Institute of Statistics and Geography [Instituto Nacional de Estadística y Geografía INEGI] ranked Nayarit as the second State in which residents felt the safest.¹⁰⁹ The city of Santiago Ixcuintla, with zero homicides, was named the least violent municipality in the country and Bahía de Banderas, with a homicide rate of 0.92 per 100,000 inhabitants,¹¹⁰ came in second. The Public Prosecutor, Veytia, also announced that Tepic had gone from being the thirteenth most dangerous city in the world to being the second safest in the country.¹¹¹ "We have dismantled more than 27 gangs of kidnappers, 20 robbery gangs, 19 car theft gangs are now out of circulation; 6 gangs of 'paqueros' [street scam confidence tricksters] have been arrested, and murderers and individuals who have tried to disrupt the peace of our State have been brought to justice," announced the Prosecutor in October 2016.¹¹² Similarly, that same year Governor Sandoval declared, "We have decreased the number of kidnappings by 97%; 87% of all the figures that we have today can say [sic] that the prosecutor (Edgar Veytia) has played an important role in making the Nayarit we know today a better one."¹¹³

Congratulations and public recognition quickly followed: "In February 2016, the Álica University – a public school that only has campuses in Nayarit – awarded the Prosecutor Veytia an Honoris Causa doctorate for 'his work to promote security in the State'. Months later, in June, Canacintra-Nayarit [the Nayarit chapter of the Cámara Nacional de la Industria de Transformación – CANACINTRA, the National Chamber of the Manufacturing Industry] awarded the 'Águila Canacintra to Governor Roberto Sandoval for his work in reducing insecurity in the State. And in January 2017, Isabel Miranda de Wallace from the organisation Alto al Secuestro [Stop Kidnappings] and the Confederación Nacional de Colegios y Asociaciones de Abogados de México [National Confederation of Bar Associations and Lawyers' Associations of Mexico] lauded Edgar Veytia for 'his commitment to justice, public safety and having

106. Sandra Rodríguez Nieto, 'Nayarit vivía en paz pero sólo en cifras; hoy, con el Fiscal preso en EU, la podredumbre está saliendo', *Sin Embargo*, 8 April 2017, <https://www.sinembargo.mx/08-04-2017/3185609> (accessed 16 March 2021).

107. Alejandro Hope 'La Pax Narca nunca dura', *El Universal*, 3 April 2017, <https://www.eluniversal.com.mx/entrada-de-opinion/columna/alejandro-hope/nacion/2017/04/3/la-pax-narca-nunca-dura> (accessed 16 March 2021).

108. OPINIÓN: ¿Nayarit es realmente seguro como dicen sus números?, *Expansión*, 3 April 2017, <https://expansion.mx/opinion/2017/04/03/opinion-nayarit-es-realmente-seguro-como-dicen-sus-numeros> (accessed 16 March 2021).

109. Lorena Soto, 'Cumple Policía Nayarit 5 años de su creación', *Periódico Enfoque*, 25 October 2016, <https://enfoquenayarit.com/cumple-policia-nayarit-5-anos-de-su-creacion/> (accessed 16 March 2021).

110. 'Resultado del Mando Único', *La Yunta de Tepic*, 4 October 2016, <http://www.layuntadetepic.com/2016/10/resultado-del-mando-unico-2/> (accessed 16 March 2021).

111. Lorena Soto, 'Cumple Policía Nayarit 5 años de su creación', *Periódico Enfoque*, 25 October 2016, <https://enfoquenayarit.com/cumple-policia-nayarit-5-anos-de-su-creacion/> (accessed 16 March 2021). In addition, the homicide rate in Nayarit decreased by 91.4% between 2011 and 2016; crimes committed with firearms were reduced by 94%; and there were no reports of extortion in 2015. Moreover, "robberies, assaults and rapes decreased 72%, 55% and 19%, respectively, according to official data that were analyzed to make the Mexico Peace Index 2017, prepared by the Institute for Economics and Peace. In this Index, Nayarit stood out for being the "second most peaceful State, after Yucatan." Thus, while in the national context homicides grew from 2014 to 2016, in Nayarit, in the same period precisely the opposite happened: "that is, the incidence of this crime was reduced by almost 50% in its official statistics". See 'Nayarit: los costos de la paz narca', *Newsweek México*, 26 May 2017, <https://newsweekespanol.com/2017/05/coahuila-los-costos-de-la-paz-narca/> (accessed 16 March 2021); Sandra Rodríguez Nieto, 'Nayarit vivía en paz pero sólo en cifras; hoy, con el Fiscal preso en EU, la podredumbre está saliendo', *Sin Embargo*, 8 April 2017, <https://www.sinembargo.mx/08-04-2017/3185609> (accessed 16 March 2021); 'OPINIÓN: ¿Nayarit es realmente seguro como dicen sus números?', *Expansión*, 3 April 2017, <https://expansion.mx/opinion/2017/04/03/opinion-nayarit-es-realmente-seguro-como-dicen-sus-numeros> (accessed 16 March 2021).

112. Lorena Soto, 'Cumple Policía Nayarit 5 años de su creación', *Periódico Enfoque*, 25 October 2016, <https://enfoquenayarit.com/cumple-policia-nayarit-5-anos-de-su-creacion/> (accessed 16 March 2021). Also, in 2013, Veytia stated: "With decision and responsibility, Governor Roberto Sandoval faces crime; to date we have managed to keep Nayarit the second safest State in the country and with the lowest crime rate; Tamaulipas and Sinaloa would like to enjoy this tranquility". See Sandra Rodríguez Nieto, 'Nayarit vivía en paz pero sólo en cifras; hoy, con el Fiscal preso en EU, la podredumbre está saliendo', *Sin Embargo*, 8 April 2017, <https://www.sinembargo.mx/08-04-2017/3185609> (accessed 16 March 2021).

113. Paris Alejandro Salazar, 'Exfiscal Édgar Veytia, de "funcionario del año" a traficante de droga', *La Silla Rota*, 29 March 2017, <https://lasillarota.com/exfiscal-edgar-veytia-de-funcionario-del-ano-a-traficante-de-droga/142925> (accessed 16 March 2021).

managed to lower the crime rate in the State.”¹¹⁴

Yet, not everything is as it seems. “While he was at the head of the Fiscalía [Office of the Prosecutor], the office was criticized for refusing to register complaints filed by victims,¹¹⁵ let alone investigating.¹¹⁶ The Observatorio Nacional Ciudadano (ONC) [National Citizen Observatory], an organisation dedicated to monitoring public safety policies in Mexico, denounced the fact that “the authorities in that State do not report data on extortion, robbery of persons in the street and other crimes, an unusual conduct [by authorities] which calls for an explanation”.¹¹⁷

There is also information available indicating that alerting or reporting theft and assaults in homes and businesses to the police was discouraged.¹¹⁸ In 2017, the mayor of Tepic criticized the optimistic statistics, stating: “Those given on kidnapping and extortion do not reflect what actually happens, we have heard of cases that do not appear in the official statistics.”¹¹⁹ Finally, “inconsistencies” were detected in the official figures regarding homicides, since “the judicial system of Nayarit only registered 67% of the total number of victims identified by the health system.”¹²⁰

In 2015, the ONC decided to conduct fieldwork in Nayarit, in light of the irregularities and the authorities’ failure to act. “The figures that we saw were so low, but then when we looked at the capacity of Nayarit’s institutions, they didn’t fit; in other words, the police had negative evaluations, they weren’t well or fully operational. The State Public Prosecutor’s Office had a poor level of expertise, inadequate attention to victims and the statistics department was lamentable; it is difficult to believe that this authority would be capable of reducing crime without improving its institutional capacities [...],”¹²¹ explained the director of the ONC, Francisco Rivas.

According to Lourdes Pacheco, of the National System of Researchers, in Nayarit “we have experienced a government in name only, of press releases that magnify everything that the governor and his officials do. All other voices that could act as a counterbalance were silenced.”¹²² And indeed, organised crime has ways of hiding from plain sight. As Dr. Guillermo Zepeda Lecuona, director of the organisation Jurimetría, has explained: “organised crime rests on at least four pillars. One is the diversification of crimes; the other is its great capacity for violence; the third is the network of political collusion, ‘because for organized crime to operate as an industry, it can only be explained by high doses of impunity and collusion with the authorities’. And the fourth pillar is its money laundering system. In Nayarit, these last two pillars are still intact”.¹²³ This is what has been termed the “pax narca”.¹²⁴

114. On February 21, 2017, even Enrique Peña Nieto, Mexico’s president at the time, “proudly boasted about Nayarit” during the inauguration of the San Blas-Tepic highway and pointed out that, in 2012, in Nayarit there were 25 homicides per 100 thousand inhabitants and that by 2015 there were 11; there was “a remarkable decrease of more than 50% of the level of insecurity that was experienced here, in Nayarit”. ‘Nayarit: los costos de la paz narca’, *Newsweek México*, 26 May 2017, <https://newsweekeespanol.com/2017/05/coahuila-los-costos-de-la-paz-narca/> (accessed 16 March 2021) and Marcos Muedano, ‘Édgar Veytia controlaba todas las policías’, *Excelsior*, 7 April 2017, <https://www.excelsior.com.mx/nacional/2017/04/07/1156451> (accessed 16 March 2021).

115. Patricia Dávila, ‘Cae en San Diego California fiscal de Nayarit, Édgar Veytia, vinculado al narco’, *Revista Proceso*, 29 March 2017, <https://www.proceso.com.mx/480013/cae-en-san-diego-california-fiscal-nayarit-edgar-veytia-vinculado-al-narco> (accessed 16 March 2021).

116. Patricia Dávila, ‘Cae en San Diego California fiscal de Nayarit, Édgar Veytia, vinculado al narco’, *Revista Proceso*, 29 March 2017, <https://www.proceso.com.mx/480013/cae-en-san-diego-california-fiscal-nayarit-edgar-veytia-vinculado-al-narco> (accessed 16 March 2021).

117. ‘OPINIÓN: ¿Nayarit es realmente seguro como dicen sus números?’, *Expansión*, 3 April 2017, <https://expansion.mx/opinion/2017/04/03/opinion-nayarit-es-realmente-seguro-como-dicen-sus-numeros> (accessed 16 March 2021).

118. ‘Édgar Veytia y las historias de impunidad de la que gozan políticos’, *RMX Región Noticias*, 24 August 2018, <http://rmxnoticias.com/opinion/edgar-veytia-y-las-historias-de-impunidad-de-la-que-gozan-politicos/> (accessed 16 March 2021).

119. Francisco Mejía, ‘Policía de Nayarit tiene “carta blanca”: alcalde de Tepic’, *Milenio*, 5 April 2017, <https://www.milenio.com/politica/policia-nayarit-carta-blanca-alcalde-tepic> (accessed 16 March 2021).

120. ‘Nayarit: los costos de la paz narca’, *Newsweek México*, 26 May 2017, <https://newsweekeespanol.com/2017/05/coahuila-los-costos-de-la-paz-narca/> (accessed 16 March 2021).

121. Sandra Rodríguez Nieto, ‘Nayarit vivía en paz pero sólo en cifras; hoy, con el Fiscal preso en EU, la podredumbre está saliendo’, *Sin Embargo*, 8 April 2017, <https://www.sinembargo.mx/08-04-2017/3185609> (accessed 16 March 2021).

122. ‘Nayarit: los costos de la paz narca’, *Newsweek México*, 26 May 2017, <https://newsweekeespanol.com/2017/05/coahuila-los-costos-de-la-paz-narca/> (accessed 16 March 2021).

123. *Ibid.*

124. Alejandro Hope ‘La Pax Narca nunca dura’, *El Universal*, 3 April 2017, <https://www.eluniversal.com.mx/entrada-de-opinion/columna/alejandro-hope/nacion/2017/04/3/la-pax-narca-nunca-dura> (accessed 16 March 2021). See also Diego Petersen, ‘La normalización de la Pax Narca’, *Informador*, 4 February 2020, <https://www.informador.mx/ideas/La-normalizacion-de-la-Pax-Narca-20200204-0036.html> (accessed 16 March 2021); Diego Armando Hernández Cruz, ‘Formas simbólicas y procesos ideológicos de la narcocultura: Un acercamiento al mundonarco con jóvenes de Tepic Nayarit’, *Criminalidades, violencias, opresiones y seguridad pública*, vol. III, 2018, p. 238, COMESCO, <https://www.comesco.com/ciencias-sociales-agenda-nacional/cs/article/view/2023/665> (accessed 16 March 2021).

According to Zepeda Lecuona, “[...] States for which insecurity graphs look like a roller coaster – a high point that abruptly drops off – what they show is not that they have high levels of security, but that no one is challenging the hegemony of the dominant organised crime group.”¹²⁵ Likewise, Carlos Rea, sociologist and research professor at the Autonomous University of Nayarit, analyses the situation during Veytia’s term in office as follows: “the idea was planted that there was a pact between the incoming government and the drug cartels.”¹²⁶ During all his time in office, Veytia was never subjected to test for trustworthiness, nor were his assets audited.¹²⁷

When Francisco Rivas, director of the ONC, met with Governor Sandoval to inquire about the statistics and the lack of a meaningful explanation of how violence was being reduced, “[...] the Governor stated that the Public Prosecutor was doing a great job and he stood up and left.”¹²⁸

e. The truth about crime in Nayarit: a Public Prosecutor’s Office that sells itself out to drug trafficking cartels

“Governor, you talk about peace and security, but here, in Jala [a municipality of Nayarit], the drug traffickers continue to walk around with total impunity. I do not think you are unaware of this, take action. This is a home of the mafia”¹²⁹ complained a resident of Nayarit in 2017. Although data from INEGI and the Executive Secretariat of the National Public Security System (SESNSP) ranked Nayarit as one of the States with the lowest crime rates, the figures did not match what Nayarit citizens experienced during the tenures of Veytia and Sandoval. A 2017 news story recounts that “[...] in cafes in Tepic, in the streets of San Blas, in family gatherings, in meetings with friends, in the towns of Compostela, on the beaches of Bahía de Banderas, in the small communities of the Nayar mountains, and on social networks there was talk of threats, extortion, kidnappings and robberies. The voices that began to talk about what was happening were cautious due to fear. Some, very few, have dared to do so; since 2013 and especially since 27 March 2017, this chorus of citizens is becoming louder and louder.”¹³⁰

In December 2013, some residents had already denounced Veytia for his alleged links with drug cartels.¹³¹ The weekly newspaper *Semanario Proceso* reported that sources indicated that the former Prosecutor, nicknamed “El Diablo” [The Devil], already began to operate for the major drug cartels when he was working in the Tepic Security Secretariat,¹³² and became even more voracious when Roberto Sandoval became governor and appointed him as Prosecutor.¹³³ During Sandoval’s six-year term, the criminal group of the Nayarit Public Prosecutor’s Office sold out to different drug cartels operating in the State of Nayarit, collaborating, at some points simultaneously, with the Sinaloa Cartel, the Beltrán Leyva (and their cell in Nayarit, the “Hs”), the Zetas and the CJNG.¹³⁴ As alliances changed, the Public Prosecutor’s Office placed the Nayarit police “at the service” of whatever drug cartels it was allied with at any given point in time.¹³⁵

Purportedly, “[Veytia] created several cells that he put under the command of the Beltrán Leyva, later under Los Zetas and after that under the Jalisco New Generation Cartel (CJNG): the cartels that had successive control over the area. On social networks and through social organisations, Veytia’s people

125. ‘Nayarit: los costos de la paz narca’, *Newsweek México*, 26 May 2017, <https://newsweekespanol.com/2017/05/coahuila-los-costos-de-la-paz-narca/> (accessed 16 March 2021).

126. *Ibid.*

127. Gustavo Castillo y Notimex, ‘Veytia nunca fue sometido a exámenes de confianza’, *Periódico La Jornada*, 9 April 2017, p. 11, <https://www.jornada.com.mx/2017/04/09/politica/011n1pol> (accessed 16 March 2021).

128. Sandra Rodríguez Nieto, ‘Nayarit vivía en paz pero sólo en cifras; hoy, con el Fiscal preso en EU, la podredumbre está saliendo’, *Sin Embargo*, 8 April 2017, <https://www.sinembargo.mx/08-04-2017/3185609> (accessed 16 March 2021).

129. ‘Nayarit: los costos de la paz narca’, *Newsweek México*, 26 May 2017, <https://newsweekespanol.com/2017/05/coahuila-los-costos-de-la-paz-narca/> (accessed 16 March 2021).

130. *Ibid.*

131. Patricia Dávila, ‘Édgar Veytia, el oscuro fiscal de Nayarit’, *Revista Proceso*, 27 August 2016, <https://www.proceso.com.mx/452363/edgar-veytia-oscur-o-fiscal-nayarit> (accessed 16 March 2021).

132. Sources differ on this point. Some state it began when Veytia was Director of Transit, while others state it dates from his time working in public transport or the Public Prosecutor’s Office.

133. Patricia Dávila, ‘“El Diablo” Veytia y sus amigos’, *Revista Proceso*, 5 April 2017, <https://www.proceso.com.mx/480725/diablo-veytia-sus-amigos> (accessed 15 March 2021).

134. See Patricia Dávila, ‘Cae en San Diego California fiscal de Nayarit, Édgar Veytia, vinculado al narco’, *Revista Proceso*, 29 March 2017, <https://www.proceso.com.mx/480013/cae-en-san-diego-california-fiscal-nayarit-edgar-veytia-vinculado-al-narco> (accessed 16 March 2021); Patricia Dávila, ‘“El Diablo” Veytia y sus amigos’, *Revista Proceso*, 5 April 2017, <https://www.proceso.com.mx/480725/diablo-veytia-sus-amigos> (accessed 15 March 2021); Annex C – Documentos caso Veytia, Carta de Fiscal Richard P. Donoghue, 19 September 2019.

135. Patricia Dávila, ‘“El Diablo” Veytia y sus amigos’, *Revista Proceso*, 5 April 2017, <https://www.proceso.com.mx/480725/diablo-veytia-sus-amigos> (accessed 15 March 2021).

have been accused of closing streets to clear the way for convoys carrying the mafia bosses and of acting as sentinels [halcónes] to prevent the entry of rival gangs or of the Navy.¹³⁶ In this way, Veytia and the criminal organisation operating within Nayarit Prosecutor's Office put "cells" at the disposal of the different drug cartels. In the sections that follow, we discuss how the criminal organisation operating from inside the Nayarit Attorney General's Office, which held territorial control over drug trafficking in the State, sold its services to the different cartels operating in Nayarit time and time again. In this way, this criminal group allowed cartels to benefit from public resources of the State in exchange for the enrichment of Veytia, Sandoval and other members of the criminal group operating within the Public Prosecutor's Office of the State of Nayarit.

The history of terror in Nayarit begins against a backdrop of a conflict between the Beltrán Leyva Cartel and the Sinaloa Cartel, which held influence over the territory of Nayarit before the arrival of "El Diablo" Veytia.¹³⁷

- The expulsion of the Sinaloa Cartel and the Nayarit Public Prosecutor's Office business with the Beltrán Leyva and the Hs

Prior to Veytia's arrival in the Nayarit government, while he still worked in transport, the Sinaloa Cartel – then led by Joaquín "El Chapo" Guzmán – was the predominant cartel in Nayarit, operating through a cell run from Tepic by the Beltrán Leyva brothers, Alfredo "El Mochomo", Arturo, and Héctor.¹³⁸ When "El Mochomo" was arrested in January 2008, the Beltrán Leyva brothers blamed "El Chapo" and formed their own cartel, which led to a dispute over territory.¹³⁹

At first, Veytia did business with the Sinaloa cartel, but eventually he connects with the Beltrán Leyva brothers and helps them "clean up" (limpiar) the territory (to assert their control of drug trafficking in Nayarit, relegating the Sinaloa cartel to a lesser position).¹⁴⁰ The shift in support, from one cartel to another, indicates that from 2011 to 2017 the criminal organisation operating inside the Nayarit Public Prosecutor's Office sold its services to different cartels and that these shifts in alliances were a way of maintaining control over the territory, the State of Nayarit.

At the beginning of Sandoval's term, according to a press report, Veytia helped the Beltrán Leyva "clean up" the area in exchange for USD 5 million.¹⁴¹ In their efforts to consolidate their position in Nayarit, with assistance from Veytia and the criminal organisation operating inside the Public Prosecutor's Office, the Beltrán Leyva cartel also allied itself with the Zetas cartel.¹⁴² During the war between cartels, Nayarit "lived years of terror in 2010 and 2011, when the so-called war on drugs started by President Felipe Calderón caused rival gangs to fight for control of illegal drug production, trade and territory [la plaza]. Terrible acts of violence were committed in the places where these wars were fought: executions, kidnappings, narco-messages [messages sent by drug traffickers], dismemberments, hangings, violent clashes, and thousands of deaths. This went on until the Beltrán Leyva cartel took over again."¹⁴³

According to press reports, the fight between the Beltrán Leyva-Zetas alliance and the Sinaloa Cartel was violent. "On 26 May 2011, in the town of Ruiz, adjacent to Tepic, hitmen from the Sinaloa Cartel and the Zetas clashed and left 29 dead."¹⁴⁴

When Veytia was still Deputy Public Prosecutor (Subprocurador), he had "room to maneuver to consolidate his relationship with individuals from the Beltrán Leyva cartel in Tepic and with members of the Zetas in the coastline municipalities of Riviera Nayarit."¹⁴⁵

In 2012, barely a year after Sandoval became governor, Veytia was involved in the execution of the leaders of the Sinaloa cartel in Nayarit: "El Bigotes", "Los Pelones" and Rogelio Magallanes. These

136. Patricia Dávila, 'Activa, la red mafiosa del exfiscal Veytia', *Revista Proceso*, 1 May 2017, <https://www.proceso.com.mx/484532/activa-la-red-mafiosa-del-exfiscal-veytia> (accessed 15 March 2021).

137. Patricia Dávila, "'El Diablo' Veytia y sus amigos', *Revista Proceso*, 5 April 2017, <https://www.proceso.com.mx/480725/diablo-veytia-sus-amigos> (accessed 15 March 2021).

138. *Ibid.*

139. *Ibid.*

140. *Ibid.*

141. *Ibid.*

142. *Ibid.*

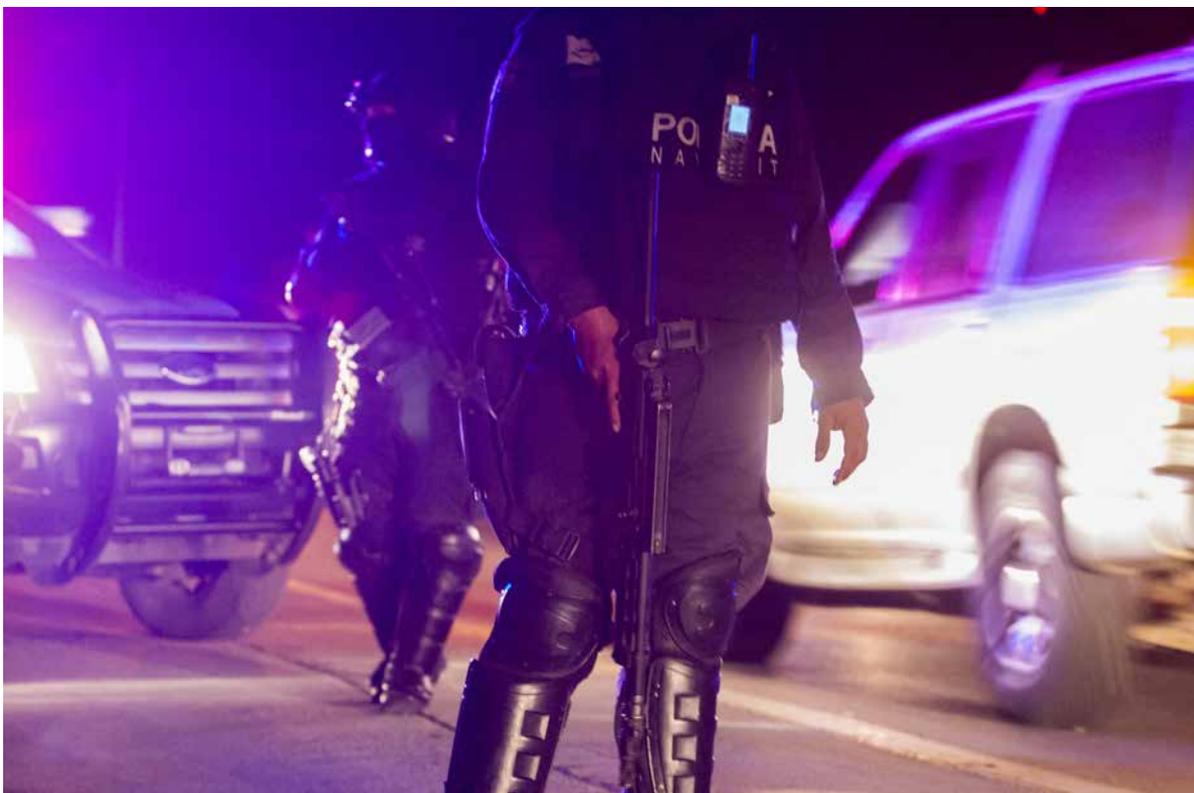
143. Fabián García, 'Nayarit, la vuelta al miedo', *Pie de Página*, 20 February 2017, <https://piedepagina.mx/nayarit-la-vuelta-del-miedo/> (accessed 16 March 2021).

144. Patricia Dávila, "'El Diablo' Veytia y sus amigos', *Revista Proceso*, 5 April 2017, <https://www.proceso.com.mx/480725/diablo-veytia-sus-amigos> (accessed 15 March 2021).

145. *Ibid.*

executions and the previously described capture of 10 members of “Los Pelochos” illustrate the degree of power wielded, as early as 2012, by the criminal organisation operating inside the Public Prosecutor’s Office over the territory of Nayarit and the illegal drug trade. After the executions of the heads of the cartels, “the Beltrán Leyva organisation was free to control illegal drug production and trade. Veytia, however, negotiated with the Zetas in the south of the State.”¹⁴⁶

Although the Beltrán Leyva family seemed to be well established in the territory of Nayarit after “El Chapo” was captured by U.S. authorities on 8 January 2016, they nonetheless attempted to expand their control to other areas of the country. To this end, they began targeted attacks against members of “El Chapo”’s family, including his mother and a brother (Aureliano Guzmán Loera, alias “El Guano”).¹⁴⁷ Veytia and the criminal organisation inside the Nayarit Public Prosecutor’s Office assisted the Beltrán Leyva cartel in their efforts to overtake El Chapo’s cartel. According to press reports, in 2016 Veytia informed Alfredo Beltrán Guzmán (“El Mochomito”) that El Chapo’s children were in at bar in Puerto Vallarta, “so that he could kidnap them.”¹⁴⁸ The Prosecutor’s Office then assisted the Beltrán Leyvas by putting at their disposal members of the Nayarit police, who were present during the operation in Puerto Vallarta.¹⁴⁹



The Nayarit police during the operation in Puerto Vallarta, 2016. © Hector Guerrero / AFP

146. *Ibid.*

147. *Ibid.*

148. The operation and Veytia’s role therein is described as follows: “– Was it the Public Prosecutor who turned in El Chapo’s children on 14 August 2016, when they were kidnapped? – one of the declarants was asked. – Of course! The caravan that accompanied them passed by Nayarit, they were in Bahía de Banderas, and the Nayarit Police was tailing them until the restaurant bar La Leche, in Puerto Vallarta – that is in Jalisco – where the people of Alfredo Beltrán Guzmán and El Mochomito arrived, and took them.” *Ibid.*

149. “Another cartel which operated in the State, with the objective of eliminating El Chapo’s group, was the group of Alberto Carrillo Fuentes, Betty La Fea, who before the withdrawal of her brother, Vicente, El Viceroy, took leadership of the New Juarez Cartel (NCJ) and was allied to the Zetas and Beltrán Leyva against Guzmán Loera ... Betty La Fea was detained on 1 September 2013 by the Federal Police, which ended the NCJ’s aspirations of controlling the territory.” *Ibid.*

- New business for the criminal organisation of the Nayarit Public Prosecutor's Office: from the Beltrán Leyva Cartel to the Hs and the CJNG.

By 2017, H2 and H9, leaders of the Hs – the Beltrán Leyva cell operating in Nayarit – were able to move freely in Tepic, enjoying protection of the Nayarit State forces and the criminal organisation operating inside the Nayarit Public Prosecutor's Office.¹⁵⁰ But the moment was short-lived. Just as occurred with the Sinaloa cartel, the criminal organisation inside the Public Prosecutor's Office forged new alliances with other cartels. According to press reports, in February 2017, Veytia handed over to federal authorities Francisco Patrón Sánchez (alias "H2") and Daniel Isaac Silva Gárate (aliases "H9", "El Dany", and "El Señor de las Tanquetas"), to clear the way for a business deal with the CJNG cartel.¹⁵¹ Yet another shift in alliances that shows that from 2011 to 2017, real control over the illegal drug trade in the territory of Nayarit was in the hands of the criminal organisation operating within the Nayarit Public Prosecutor's Office, which held power to decide which cartels could operate freely in the State of Nayarit and which could not.

Exemplifying this control, on 9 February 2017 security forces carry out Operation Barcina in Nayarit, an operation coordinated by the Navy and conducted with assistance from federal and State forces. That day, all roads to Nayarit were blocked by the Army, the General Police, and the Nayarit Police. While Navy forces surrounded H2's residence located in the Ampliación Lindavista neighbourhood, from a helicopter "thousands of shots were fired: exactly 500 bullets per second. Concurrently, a Humvee vehicle shot down a door to the residence where H2 and seven other men were located. They were all taken down ("abatidos") – a euphemism for extrajudicial executions in Mexico – with heavy artillery."¹⁵² A total of eight people were killed that day at H2's residence. In addition to H2, the Operation resulted in the deaths of a former soldier, a former navy sailor, and a former policeman; all of whom "were presumably H2's bodyguards".¹⁵³ Four additional individuals died later at the airport in the early hours of February 10th.¹⁵⁴ The following day, another leader of the the Hs, Daniel Isaac Gárate (H9), was executed, "shot dead by police and navy sailors [...] in the town of El Ahuacate [...]".¹⁵⁵

In the weeks that followed, the city of Tepic was watched¹⁵⁶ by land and sea, in a continuous state of emergency.¹⁵⁷ After the death of H2, inhabitants of the area became fearful: "The death of H2 leaves a troublesome void among the people and rumours spread fear: there is talk of people in neighbouring States who are beginning to regroup with vehicles and heavy weaponry. The "tienditas" [small shops] or points for the sale for drugs that were used by H2 are now closed [...]".¹⁵⁸ Moreover, the residents of the Ampliación Lindavista neighbourhood do not want to talk or give details to the press, out of fear of reprisals from drug trafficking groups.¹⁵⁹

A few days after the operation, on 14 February 2017, the Nayarit Public Prosecutor's Office allowed reporters to enter the house in Ampliación Lindavista where H2 had died.¹⁶⁰ One of the journalists who went there described the situation as follows:

"We arrived at the place; it was fenced off and heavily guarded by the Nayarit Police. We lined up to enter the house where the Mexican government massacred, from a helicopter, 8 people accused, without trial, of being members of the Beltrán Leyva cartel. Dozens of vehicles were passing through the area, stopping, and taking pictures with their mobile phones, as if it were a sightseeing tour.

150. *Ibid.*

151. *Ibid.* See also Noticieros Televisiva, 'Cómo surgió la nueva ola de violencia en Nayarit - En Punto con Denise Maerker', YouTube, 6 March 2018, <https://www.youtube.com/watch?v=IEIfUg6c0Tg> (accessed 16 March 2021).

152. Fabián García, 'Nayarit, la vuelta al miedo', *Pie de Página*, 20 February 2017, <https://piedepagina.mx/nayarit-la-vuelta-del-miedo/> (accessed 16 March 2021).

153. *Ibid.*

154. *Ibid.*

155. *Ibid.*

156. *Ibid.*

157. This episode was apparently a part of the "readjustments" of the Sinaloa cartel after the detention of Chapo Guzmán. See Fabián García, 'Nayarit, la vuelta al miedo', *Pie de Página*, 20 February 2017, <https://piedepagina.mx/nayarit-la-vuelta-del-miedo/> (accessed 16 March 2021). Here is a fragment of the video of the attack on H2: Noticieros Televisiva, 'Cómo surgió la nueva ola de violencia en Nayarit. En Punto con Denise Maerker', YouTube, 6 March 2018, <https://www.youtube.com/watch?v=IEIfUg6c0Tg> (accessed 16 March 2021).

158. Fabián García, 'Nayarit, la vuelta al miedo', *Pie de Página*, 20 February 2017, <https://piedepagina.mx/nayarit-la-vuelta-del-miedo/> (accessed 16 March 2021).

159. *Ibid.*

160. *Ibid.*

The façade revealed the luxury and comfort enjoyed by the people who had lived there. The grounds are vast; the wealth had fallen from the mahogany doors, the windows, and the gate; there were hundreds of perforations caused by the projectiles of the powerful 50 calibre [gun] used during the attack. 'No one could survive such an attack, I thought'.

We entered through the pool area, the floor had a strange texture, some parts ashen and some darker. The photographer and I were slow to realize that everything we were stepping on was gunpowder, shards of armoured glass; the most chilling thing was to find toys: a water pistol, children's underwear, a swimming float, a candle decorated with cake and a small colourful sign saying, 'Happy Birthday' next to a bullet hole".¹⁶¹

The executions of H2 and of the men who were with him were carried out by the forces of the criminal organisation operating within the State of Nayarit, together with other federal and regional forces. Journalists questioned how many individuals had been executed and whether all of them were really part of the Beltrán Leyva cartel.¹⁶² Questions were specifically asked about whether children were present at the time of the attack. While federal authorities denied it, it was reported that "children's toys and clothes were found at the scene [...]".¹⁶³ The relationship with journalists becomes tense, as authorities refuse to provide details "for 'security and intelligence' reasons".¹⁶⁴

Likewise, the house of the late H2 is a symbol of the criminal organisation working within the Nayarit Public Prosecutor's Office – of the group's criminality and the way the Nayarit State government acquired wealth illegally. Sometime prior to Operation Barcina, H2 had allegedly robbed the previous owner of her home, with support from Veytia,¹⁶⁵ who lived only two blocks away in the Ampliación Lindavista neighbourhood.¹⁶⁶ After the execution of H2, Veytia allegedly gifted the luxurious house, "a three-story residence with two domes and a large patio with a swimming pool" to former Governor Sandoval "as a 'war trophy'".¹⁶⁷

After the attack on H2 in February 2017, the criminal organisation inside the Nayarit Public Prosecutor's Office increased its collaboration with the CJNG cartel, an alliance which had been years in the making.

- The Jalisco Nueva Generación Cartel (CJNG)

The cartels may have changed, but the crimes committed against inhabitants of Nayarit by the criminal organisation inside the Public Prosecutor's Office, whether acting alone or in collusion with drug traffickers, were a persistent reality from 2011 to 2017.

While the CJNG cartel did indeed gain prominence in Nayarit after the execution of H2 in February 2017, the cartel had contact with the criminal organisation inside the Nayarit Prosecutor's Office prior to that and was already fighting to gain a foothold in the region. Indeed, the CJNG and the Beltrán Leyva brothers had been fighting for territory since 2013, when the number of criminal cases in Nayarit reached 7,726: "Tepic was a battleground."¹⁶⁸

The relationship between the criminal organisation operating within the Nayarit Public Prosecutor's Office and the CJNG had in fact begun years earlier. According to a press article dated 27 August 2016, at the time of its publication, the CJNG, led by Nemesio "El Mencho" Oseguera Cervantes, already had influence over much of the Gulf of Mexico, the Pacific, and the Caribbean regions and were operating in Quintana Roo, Veracruz, Guerrero, State of Mexico, San Luis Potosi, Guanajuato, Michoacan, Colima,

161. *Ibid.*

162. *Ibid.*

163. *Ibid.*

164. *Ibid.*

165. Dennis A. García, 'Nayarit. La tierra del despojo', *El Universal*, 4 July 2017, <https://www.eluniversal.com.mx/articulo/nacion/sociedad/2017/07/4/gobernador-de-nayarit-arropo-narcofiscal> (accessed 15 March 2021).

166. Fabián García, 'Nayarit, la vuelta al miedo', *Pie de Página*, 20 February 2017, <https://piedepagina.mx/nayarit-la-vuelta-del-miedo/> (accessed 16 March 2021). In this video you can see the distance from Edgar Veytia's house to H2's house: *Noticieros Televisiva*, 'Cómo surgió la nueva ola de violencia en Nayarit. En Punto con Denise Maerker', YouTube, 6 March 2018, <https://www.youtube.com/watch?v=IEIfUg6c0Tg> (accessed 16 March 2021).

167. "This is not the first occasion that Veytia would give something to the Governor. Local media documented that in 2013 the former Prosecutor gave Sandoval 300 hectares on the La Resolana ranch in Tepic." See 'Exfiscal de Nayarit quería regalar al gobernador casa donde abatieron a 'El H2' *La Silla Rota*, 11 April 2017, <https://lasillarota.com/exfiscal-de-nayarit-queria-regalar-al-gobernador-casa-donde-abatieron-a-el-h2/143912> (accessed 16 March 2021).

168. Karina Cancino, Mildra Benitez Robledo, César Pérez Delgado, Daniel Lizárraga, 'El fiscal que hizo de Nayarit un infierno', *Mexicanos contra la Corrupción y la Impunidad*, <https://investigaciones.contralacorruptcion.mx/edgar-veytia-fiscal-infierno-nayarit/> (accessed 15 March 2021).

Jalisco, and Nayarit.¹⁶⁹ According to the article, in Nayarit “[...] the State Prosecutor, Édgar Veytia, is accused of providing protection to Mencho’s cartel. This was not the first time he was accused of protecting cartels. On 20 December 2013, *Proceso* magazine reported on the extortion, plundering, robbery, kidnapping, and abduction of landowners and concession-holders of property in Nayarit by the [CJNG’s] hitmen. According to some of the victims, they were headed by Veytia.”¹⁷⁰ This has been confirmed by subsequent press reports.¹⁷¹

The allegations that Veytia, as early as 2013 and during Sandoval’s term in office, “headed” the CJNG – while at the same time aiding and receiving bribes from the Hs¹⁷² – demonstrates the constant shift in alliances of the criminal organisation operating within the Nayarit Public Prosecutor’s Office, which sold itself in exchange for payments from various drug cartels.

f. Corruption, bribes and the illegal narcotics trade

As described above, from 2011 to 2017, Roberto Sandoval’s government exercised territorial control over the illegal drug trade in the State of Nayarit and it sold its services to several drug cartels. Subsequent investigations, notably those conducted by U.S. government authorities, have confirmed that Sandoval and Veytia received bribes from the Hs and CJNG cartels.

A document submitted by the U.S. Attorney’s Office for the Eastern District of New York to the judge presiding over Veytia’s criminal case in the United States describes how Veytia used the criminal apparatus inside the Nayarit Public Prosecutor’s Office, including its human and material resources, to provide assistance to Francisco Patrón Sánchez (H2), the leader of the Beltrán Leyva cartel’s Nayarit branch (the Hs), in exchange for bribes. As described in the document: “During his tenure as State Attorney General, the defendant [Edgar Veytia] assisted the H-2 Cartel in exchange for bribes. The defendant was paid bribes on a monthly basis and provided official sanction for the H-2 Cartel to engage in drug trafficking in Nayarit. Further, the defendant directed other corrupt Mexican law enforcement officers he oversaw to assist the H-2 Cartel and used those officers to pass messages to and from Patron Sanchez, the then-leader of the H-2 Cartel.”¹⁷³ In exchange for these monthly bribes, Veytia “provided various additional forms of assistance to the H-2 Cartel, including by releasing members and associates of the H-2 Cartel from prison after they had been arrested for drug trafficking, weapons possession or other criminal conduct. Similarly, the defendant [Veytia] [...] instructed corrupt Mexican law enforcement officers to target rival drug traffickers in Nayarit for wiretaps and arrests, which permitted the H-2 Cartel to expand without competition.”¹⁷⁴

Similarly, Roberto Sandoval reportedly received bribes from the Beltrán Leyva and the CJNG cartels. Two years after Veytia’s arrest in the United States, the connection between the ex-governor and drug trafficking in Nayarit came to light when, on 17 May 2019, the U.S. Treasury Department issued sanctions and included him in a list of persons accused of corruption and receiving bribes from drug cartels. As detailed in the press release published by the U.S. Treasury Department, Sandoval allegedly received bribes from various criminal organisations, including the Beltrán Leyva and the CJNG, and received money through corrupt activities, in which members of his family also allegedly collaborated.

169. Patricia Dávila, ‘Édgar Veytia, el oscuro fiscal de Nayarit’, *Revista Proceso*, 27 August 2016, <https://www.proceso.com.mx/452363/edgar-veytia-oscuro-fiscal-nayarit> (accessed 16 March 2021).

170. *Ibid.*

171. See, for example, Karina Cancino, Mildra Benitez Robledo, César Pérez Delgado, Daniel Lizárraga, ‘El fiscal que hizo de Nayarit un infierno’, *Mexicanos contra la Corrupción y la Impunidad*, <https://investigaciones.contralacorrupcion.mx/edgar-veytia-fiscal-infierno-nayarit/> (accessed 15 March 2021); Nathaniel Morris, ‘Nayarit and the Making of a Narco State’, *Global initiative against transnational organized crime*, 23 November 2020, <https://www.mexicoviolence.org/post/nayarit-and-the-making-of-a-narco-state> (accessed 25 March 2021); ‘Quién es Édgar Veytia, el “narcofiscal” del CJNG?’, *La Silla Rota*, 5 January 2019, <https://lasillarota.com/estados/quien-es-edgar-veytia-el-narcofiscal-del-cjng/264858> (accessed 25 March 2021); ‘El negro historial de Edgar Veytia “El Diablo”: torturó y despojó a la población cuando era fiscal de Nayarit’, *Infobae*, 19 August 2019, <https://www.infobae.com/america/mexico/2019/08/19/el-negro-historial-de-edgar-veytia-el-diablo-torturo-y-despojo-a-la-poblacion-cuando-era-fiscal-de-nayarit/>.

172. See next section, “Corruption, bribes and the illegal narcotics trade”.

173. See Annex C – Documentos caso Veytia, Letter of Prosecutor Richard P. Donoghue, 19 September 2019, p. 2C. It is important to note the U.S. case refers to “H-2 Cartel”, whereas this document refers to the leader of the Hs, Francisco Patrón Sánchez, as “H2”. Another example of the protection of the former Prosecutor to the Beltrán Leyva and its Nayarit branch, the Hs, occurs on 16 October 2013, in a shootout where the former Prosecutor “provided security to the leaders, Héctor Beltrán Leyva, H2 [Francisco Patrón Sánchez] and Chapo Isidro. When elements of the Marines arrived by surprise, the Nayarit Police confronted them, in order to give time to the leaders to escape. The members of the Nayarit Police were imprisoned in the detention centre Penal Tres, but they paid and were set free.” See Patricia Dávila, ‘“El Diablo” Veytia y sus amigos’, *Revista Proceso*, 5 April 2017, <https://www.proceso.com.mx/480725/diablo-veytia-sus-amigos> (accessed 15 March 2021).

174. Annex C – Documentos caso Veytia, Letter of Prosecutor Richard P. Donoghue, 19 September 2019, p. 2.

The press release also reveals that Isidro Avelar Gutiérrez, a judge in the Sandoval administration, would also have received bribes from the CJNG and its financial arm, “Los Cuinis”, in exchange for favourable rulings.¹⁷⁵ Moreover, as has been stated above, the former governor is currently detained in Mexico, accused of receiving funds from illicit sources.



Former governor of Nayarit, Roberto Sandoval Castañeda. © Proceso Magazine

In this regard, it is worth noting the importance of the State of Nayarit in the international drug trade – including by sea – to the United States.¹⁷⁶ Several decades ago, because of Nayarit’s long coastline and its strategic location between Sinaloa and Jalisco, the State became a strategically important node for drug smuggling to the United States.¹⁷⁷ By the beginning of the 21st century, as documented in the current report, Nayarit had already become the centre of operations for various cartels, including the Hs, all of whom were fighting for a share of the lucrative international narcotics smuggling business to the United States.¹⁷⁸ Indeed, according to an American journalist, most of the heroin smuggling groups

175. US Department of the Treasury, ‘Treasury Works with Government of Mexico Against Perpetrators of Corruption and their Networks’, 17 May 2019, <https://home.treasury.gov/news/press-releases/sm692> (accessed 15 March 2021). See also Alejandro Domínguez, ‘Fiscalía de Nayarit asegura que Sandoval huyó de México; él dijo en marzo que no lo haría’, *Milenio*, <https://www.milenio.com/policia/roberto-sandoval-huyo-mexico-asegura-fiscalia-nayarit> (accessed 15 March 2021). In February 2020, Sandoval is banned entry to the U.S. See Patrick J. McDonnell, ‘Charged with corruption, an ex-governor from Mexico is barred from entering the U.S.’, *Los Angeles Times*, 28 February 2020, <https://www.latimes.com/world-nation/story/2020-02-28/charged-with-corruption-an-ex-governor-from-mexico-is-barred-from-entering-the-u-s> (accessed 26 March 2021).

176. Nathaniel Morris, ‘Nayarit and the Making of a Narco State’, *Mexico Violence Resource Project*, 23 November 2020, <https://www.mexicoviolence.org/post/nayarit-and-the-making-of-a-narco-state> (accessed 16 March 2021); Juan Diego Posada, ‘Traffickers are turning the Pacific Ocean into a drug-smuggling superhighway’, *Business Insider*, 7 March 2019, <https://www.businessinsider.com/traffickers-are-turning-the-pacific-into-a-drug-smuggling-superhighway-2019-3> (accessed 16 March 2021).

177. Nathaniel Morris, ‘Nayarit and the Making of a Narco State’, *Mexico Violence Resource Project*, 23 November 2020, <https://www.mexicoviolence.org/post/nayarit-and-the-making-of-a-narco-state> (accessed 16 March 2021); Juan Diego Posada, ‘Traffickers are turning the Pacific Ocean into a drug-smuggling superhighway’, *Business Insider*, 7 March 2019, <https://www.businessinsider.com/traffickers-are-turning-the-pacific-into-a-drug-smuggling-superhighway-2019-3> (accessed 16 March 2021).

178. Nathaniel Morris, ‘Nayarit and the Making of a Narco State’, *Mexico Violence Resource Project*, 23 November 2020, <https://www.mexicoviolence.org/post/nayarit-and-the-making-of-a-narco-state> (accessed 16 March 2021).

operating in the U.S. Midwest come from Nayarit¹⁷⁹ and, according to the U.S. government, the Hs cartel operates in the United States through various distribution cells located in places such as Los Angeles, Las Vegas, Ohio, Minnesota, North Carolina, and New York.¹⁸⁰ The U.S. Drug Enforcement Administration (DEA) estimates that from January 2013 to February 2017, the Hs distributed approximately 500 kilograms of heroin, 100 kilograms of cocaine, 200 kilograms of methamphetamine and 3,000 kilograms of marijuana monthly in the United States through its cells and made millions of dollars in illegal earnings.¹⁸¹ The prosecution of Edgar Veytia and his guilty plea for participating in an international conspiracy to smuggle drugs into the United States during his tenure as Public Prosecutor of Nayarit clearly confirms Nayarit's pivotal role in the smuggling of narcotics to the United States.

2. The illicit enrichment of the criminal organisation operating within the Public Prosecutor's Office of the State of Nayarit

In addition to the bribes it received from various drug trafficking cartels from 2011 to 2017, the criminal organisation within the Nayarit Public Prosecutor's Office also enriched itself by the commission of other crimes. From 2011 to 2017, it extorted hundreds of people for their homes, ranches, businesses, warehouses, land and money.¹⁸² In addition to Veytia and Sandoval, several other members of the Nayarit State Government during Sandoval's tenure have been formally accused of crimes including corruption, property theft and illicit enrichment.

A palpable illustration of Veytia's illicit enrichment was the way he brazenly displayed his wealth in his office at the Public Prosecutor's Office: "From the walls hang pistols with the initials EV and on a column he erected an altar to abundance: a bowl containing two gold bars marked with the same [his] initials overflowing with dollar and euro banknotes. Very few people were invited to this place."¹⁸³

As described in the context of the attack on H2, Veytia allegedly gifted the luxurious house where H2 was killed to Governor Sandoval and, further, H2 himself had acquired the house by dispossessing the original owners, with Veytia's support.¹⁸⁴ On another occasion, at a break during the National Conference of Public Prosecutors held in Nuevo Vallarta, Edgar Veytia would have allegedly gifted a beach in the Punta Mitla area to the then head of the Public Prosecutor's Office of the Republic of Mexico.¹⁸⁵

The criminal organisation operating within the Nayarit Public Prosecutor's Office acquired this wealth in many ways. According to newspaper reports, the Nayarit Public Prosecutor's Office demanded payment for the execution of arrest warrants. According to a lawyer from the organisation Uka Niuwame, in 2017, "The Nayarit Public Prosecutor's Office had a backlog of 6,000 arrest warrants because their execution was conditioned on the payment of 70,000 to 300,000 pesos."¹⁸⁶ Another major source of illicit enrichment for the criminal organisation operating within the Public Prosecutor's Office, including Veytia and Sandoval, was the extensive system of property theft and extortion described in the following section.

179. *Ibid.*; Sam Quinones, 'How Heroin Made Its Way From Rural Mexico To Small-Town America', NPR, 29 May 2015, <https://www.npr.org/2015/05/19/404184355/how-heroin-made-its-way-from-rural-mexico-to-small-town-america> (accessed 16 March 2021).

180. US Department of Justice, 'Former Mexican State Attorney General Sentenced to 20 Years in Prison for Participation in International Narcotics Distribution Conspiracy', 26 September 2019, <https://www.justice.gov/usao-edny/pr/former-mexican-state-attorney-general-sentenced-20-years-prison-participation> (accessed 15 March 2021).

181. *Ibid.*

182. Karina Cancino, Mildra Benitez Robledo, César Pérez Delgado, Daniel Lizárraga, 'El fiscal que hizo de Nayarit un infierno', Mexicanos contra la Corrupción y la Impunidad, <https://investigaciones.contralacorruccion.mx/edgar-veytia-fiscal-infierno-nayarit/> (accessed 15 March 2021); Annex B.

183. Patricia Dávila, '“El Diablo” Veytia y sus amigos', *Revista Proceso*, 5 April 2017, <https://www.proceso.com.mx/480725/diablo-veytia-sus-amigos> (accessed 15 March 2021).

184. According to an article: "H2 clung on and sought out the person who had sold the land to Mrs. María. This was Eduardo Rosales. With the power he had, H2 managed to get Rosales to sign the contract of sale and purchase with all the deeds, even though none of the houses there had registered deeds. 'At the end of 2010 and beginning of 2011, I no longer had a house. I sued Eduardo Rosales but he was acquitted, he was supported by "the boss" [H2], who was supported by Veytia.' Since then, María has been left without the house she started to build with her husband, who died in a car accident in 2006." See Dennis A. García, 'Nayarit. La tierra del despojo', *El Universal*, 4 July 2017, <https://www.eluniversal.com.mx/articulo/nacion/sociedad/2017/07/4/gobernador-de-nayarit-arropo-narcofiscal> (accessed 15 March 2021).

185. 'Edgar Veytia y las historias de impunidad de la que gozan políticos', *RMX Región Noticias*, 24 August 2018, <http://rmxnoticias.com/opinion/edgar-veytia-y-las-historias-de-impunidad-de-la-que-gozan-politicos/> (accessed 16 March 2021).

186. Patricia Dávila, 'Hasta \$300 mil, los "moches" en Nayarit para ejecutar órdenes de aprehensión', *Revista Proceso*, 7 July 2017, <https://www.proceso.com.mx/494055/300-mil-los-moches-en-nayarit-ejecutar-ordenes-aprehension> (accessed 16 March 2021).

a. Property theft and extortion

Within months of Veytia's arrest in the United States, in March 2017, an extensive criminal system of property theft, extortion, kidnapping, and torture in the State of Nayarit – which allegedly served to enrich Edgar Veytia, Roberto Sandoval and other Nayarit officials – was exposed. In June 2017, a civil society group named the Nayarit Truth Commission ("CVN") was created to document, denounce, and seek justice for the acts of violence and abuses committed from 2011 to 2017, under Governor Roberto Sandoval. During the first weeks of its existence, the CVN recorded more than two thousand reports property thefts and other crimes, of which 543, according to the CVN, had a sufficient basis to lead to formal complaints.¹⁸⁷ 25 of the reports were filed as formal complaints with the new Public Prosecutor's Office of Nayarit, headed by Petronilo Díaz Ponce.¹⁸⁸

The case files analysed for purposes of this report expose the existence of a criminal organisation within the Nayarit Public Prosecutor's Office, through which Veytia and Sandoval used the power of the State and its resources, including the Nayarit Police, to dispossess residents of Nayarit of their property for their own personal enrichment. These cases of extortion or property theft follow a similar pattern: (1) an asset of interest is identified (land, house, vehicle, or livestock); (2) Nayarit State officials (in many cases hooded Nayarit police officers) threaten the owners into surrendering their property; (3) in some cases, the owners are detained on the premises of the Public Prosecutor's Office, where they are threatened and sometimes tortured; and (4) the owners are forced, in most cases, to surrender their property by formally signing it over at a notary's office.

The persons implicated in acts of property theft and extortion during Sandoval's governorship were public officials working for the Nayarit Public Prosecutor's Office, the State Governor's Office, the Nayarit Police, and members of the Nayarit State Legislature, as well as several public notaries. In this way, the *modus operandi* used to carry out these property thefts involved the complicity and participation of various elements of the criminal organisation operating within the Nayarit State government, as well as the participation of notaries in Nayarit. Further, on 22 March 2016, Veytia, with the support of Sandoval, opened his own notary public office, located at La Mezcalera number 39,¹⁸⁹ which he used to continue to commit acts of theft and to gift high-level officials, thereby continuing to buy his own impunity.

Among the 15 cases of property theft or of extortion that were reviewed for purposes of this report – involving at least 23 victims – there are 12 reported kidnappings, 12 incidents of arbitrary detention, and four cases that could constitute torture.¹⁹⁰ Although there is evidence of a State policy and of a systematic pattern of property theft and extortion, this report does not examine whether or not these crimes constitute crimes against humanity.

According to a report published by Mexicans Against Corruption and Impunity, the number of torture incidents in these cases of property theft or extortion could be as high as 14. In one case, sometime in May or June 2013, a group of businessmen from Guayabitos Beach, a town in the municipality of Compostela, travelled to Tepic to report, to Veytia, the crimes of which they had been victims, including the "derecho de piso" payments, kidnappings, death threats, and murders. When they arrived at the Public Prosecutor's Office, Veytia placed a pistol engraved with his initials on his desk. During the discussion between Veytia and the residents of Compostela, "the desperate screams of a woman are heard", on a recording.¹⁹¹ According to Mexicans Against Corruption and Impunity, "[...] on at least five occasions, the screams of someone in extreme physical pain can be clearly heard." This woman was allegedly tortured in a room in the Nayarit Public Prosecutor's Office, which various persons have reported was used by Veytia to intimidate victims.¹⁹²

187. Karina Cancino, Mildra Benitez Robledo, César Pérez Delgado, Daniel Lizárraga, 'El fiscal que hizo de Nayarit un infierno', Mexicanos contra la Corrupción y la Impunidad, <https://investigaciones.contralacorruccion.mx/edgar-veytia-fiscal-infierno-nayarit/> (accessed 15 March 2021); 'Se presentaron más de 2 mil de denuncias por despojos ordenados por Veytia y Sandoval: Lizárraga', *Aristegui Noticias*, 19 August 2019, <https://aristeguinoticias.com/1908/kiosko/se-presentaron-mas-de-2-mil-de-denuncias-por-despojos-ordenados-por-veytia-y-sandoval-lizarraga-enterate/> (accessed 16 March 2021).

188. Over two thousand complaints for property thefts ordered by Veytia and Sandoval were reportedly registered. See Lizárraga, *Aristegui Noticias*, 19 August 2019, <https://aristeguinoticias.com/1908/kiosko/se-presentaron-mas-de-2-mil-de-denuncias-por-despojos-ordenados-por-veytia-y-sandoval-lizarraga-enterate/> (accessed 16 March 2021).

189. Patricia Dávila, "El Diablo" Veytia y sus amigos', *Revista Proceso*, 5 April 2017, <https://www.proceso.com.mx/480725/diablo-veytia-sus-amigos> (accessed 15 March 2021).

190. Annex C – Documentos caso Veytia.

191. See recording, available at: Karina Cancino, Mildra Benitez Robledo, César Pérez Delgado, Daniel Lizárraga, 'El fiscal que hizo de Nayarit un infierno', Mexicanos contra la Corrupción y la Impunidad, <https://investigaciones.contralacorruccion.mx/edgar-veytia-fiscal-infierno-nayarit/> (accessed 15 March 2021).

192. *Ibid.*



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At a press conference held on 19 August 2019, Prosecutor Petronilo Díaz Ponce Medrano announced that there were seventeen on-going investigations into former Prosecutor Veytia, and that charges had been brought in three of them for crimes that included property theft, extortion, and kidnapping; as well as eleven on-going investigations into former Governor Sandoval. Further, the Public Prosecutor's Office, headed by the new prosecutor, had reportedly seized numerous assets, including 139 real properties, 874 vehicles, 326 motorbikes, and 342 head of cattle,¹⁹³ in relation to these cases. It is also worth noting the connection between the cases of property theft and extortion and the business dealings of the criminal organisation operating inside the Nayarit Public Prosecutor's Office with various drug trafficking cartels. As mentioned above, the home of H2 was allegedly obtained through property theft, with support from Veytia, who later went on to gift the house to Governor Sandoval.¹⁹⁴ Additionally, after his arrest, it has come to light that the former prosecutor provided the CJNG with storage space for its drug trafficking operations.¹⁹⁵

Subsequently, the way in which Sandoval illicitly enriched himself through these criminal acts has also been brought to light, as described in the following section.

193. 'Suman 17 carpetas de investigación contra Veytia 11 contra Sandoval', Fiscalía General de Nayarit, 19 August 2019, <https://fiscaliageneral.nayarit.gob.mx/web/container.php?page=comunicacion&ttl=3> (accessed 16 March 2021).

194. 'Exfiscal de Nayarit quería regalar al gobernador casa donde abatieron a 'El H2'', *La Silla Rota*, 11 April 2017, <https://lasillarota.com/exfiscal-de-nayarit-queria-regalar-al-gobernador-casa-donde-abatieron-a-el-h2/143912> (accessed 16 March 2021).

195. Karina Cancino, Mildra Benitez Robledo, César Pérez Delgado, Daniel Lizárraga, 'El fiscal que hizo de Nayarit un infierno', *Mexicanos contra la Corrupción y la Impunidad*, <https://investigaciones.contralacorrupcion.mx/edgar-veytia-fiscal-infierno-nayarit/> (accessed 15 March 2021).

C. The second period, February 2017 to date: the fall of Veytia and the massive wave of enforced disappearances that followed

After committing numerous crimes while working for the Public Prosecutor's Office and the Nayarit State Government over the course of six years, Edgar "El Diablo" Veytia's term came to an abrupt end with his arrest in San Diego, California on 27 March 2017. Specifically, Veytia was detained by agents from the FBI, the DEA and the United States Department of Homeland Security (DHS), acting on an arrest warrant for drug trafficking spanning the period January 2013 to February 2017.¹⁹⁶ After his arrest, Veytia pled guilty to participating in an international heroin, cocaine, methamphetamine, and marijuana manufacturing and distribution conspiracy responsible for importing illegal drugs from Mexico to the United States. On 26 September 2019, two years after his arrest, Veytia was sentenced to 20 years in prison and ordered to pay USD 1 million. The sentencing hearing was held in a federal court in Brooklyn, New York.¹⁹⁷

While Sandoval denied his complicity in the crimes committed by Veytia,¹⁹⁸ the damage had been done. In addition to Veytia's arrest, a report published on 5 April 2017 by the civil society association Mexicans Against Corruption and Impunity describes how Gianni Ramirez, Sandoval's secretary of public works, along with other Nayarit officials, allegedly awarded irregular public works contracts to companies founded by themselves and/or companies connected to their family members.¹⁹⁹ On 5 June, tainted by accusations of corruption and drug trafficking, Roberto Sandoval lost his re-election bid for governor of Nayarit.²⁰⁰

That same month, a massive wave of enforced disappearances begins to take place in the State of Nayarit.

1. Enforced disappearances in 2017, in the wake of Sandoval's election loss

According to the Colectivo Familias Unidas por Nayarit [Families United for Nayarit Collective], approximately 300 people disappeared in Nayarit in 2017.²⁰¹

As will be explained below, after the arrest of former prosecutor Veytia on 27 March 2017 and the election loss of former governor Roberto Sandoval in June 2017, there was an increase in cases of enforced disappearance, carried out by State agents of the Nayarit Public Prosecutor's Office. That month marked the beginning of an attack directed against inhabitants of Nayarit, aimed at maintaining territorial control over drug trafficking in the State, as will be explained below. The disappearances continued until September 2017, when Sandoval left office.²⁰²

196. 'Mexican State's Attorney General Arrested in San Diego on Drugs Charges', *The Guardian*, 30 March 2017, <https://www.theguardian.com/world/2017/mar/30/edgar-veytia-mexico-drugs-attorney-general-san-diego> (accessed 16 March 2021). The arrest warrant was reportedly issued approximately one month earlier, on March 2, 2009. See Pablo Jiménez de Sandoval, 'Detenido el fiscal general de Nayarit por tráfico de drogas en Estados Unidos', *El País*, 30 March 2017, https://elpais.com/internacional/2017/03/29/actualidad/1490809760_732491.html (accessed 16 March 2017).

197. US Department of Justice, 'Former Mexican State Attorney General Sentenced to 20 Years in Prison for Participation in International Narcotics Distribution Conspiracy', 26 September 2019, <https://www.justice.gov/usao-edny/pr/former-mexican-state-attorney-general-sentenced-20-years-prison-participation> (accessed 15 March 2021).

198. In a press conference, Sandoval declares he was surprised by Veytia's arrest and expresses his willingness to collaborate with the U.S. authorities. See 'Confirma Gobernador detención de Edgar Veytia en Estados Unidos', *News Network Communication NNC MX*, 29 March 2017, <http://www.nnc.mx/categoria/Nayarit/confirma-gobernador-detencion-de-edgar-veytia-en-estados-unidos/1490804962> (accessed 16 March 2021).

199. Silber Meza, 'La fraternidad que se apropió de obra pública en Nayarit', *Mexicanos contra la Corrupción y la Impunidad*, <https://contralacorrupcion.mx/asaltonayarit/> (accessed 16 March 2021).

200. 'El candidato del PAN-PRD en Nayarit se impone a un PRI tildado de narco y corrupto', *El País*, 5 June 2017, https://elpais.com/internacional/2017/06/05/mexico/1496636621_546514.html (accessed 16 March 2021). Election day in the State of Nayarit was June 4, 2017. In these elections, the State Governor, deputies and city councils were elected. See 'Elección Nayarit 2017', *Instituto Nacional Electoral*, 4 June 2017, <https://www.ine.mx/voto-y-elecciones/elecciones-2017/nayarit-2017/> (accessed 16 March 2021).

201. See 'El infierno de las fosas en Nayarit, la herencia de "El Diablo"', *Milenio*, 31 January 2018, <https://www.milenio.com/policia/el-infierno-de-las-fosas-en-nayarit-la-herencia-de-el-diablo> (accessed 16 March 2017); 'Ola de violencia en Nayarit; suman casos de desaparición', *El Debate*, 17 September 2017, <https://www.debate.com.mx/politica/Ola-de-violencia-en-Nayarit-suman-casos-de-desaparicion-20170917-0063.html> (accessed 16 March 2021); Karina Cancino, '2017 en Nayarit, marcado por la violencia y la corrupción', *Aristegui Noticias*, 29 December 2017, <https://aristeginoticias.com/2812/mexico/2017-en-nayarit-marcado-por-la-violencia-y-la-corrupcion/> (accessed 16 March 2021). It is possible the numbers are even higher.

202. See below, parts IV to VIII. See also 'Ola de violencia en Nayarit; suman casos de desaparición', *El Debate*, 17 September 2017, <https://www.debate.com.mx/politica/Ola-de-violencia-en-Nayarit-suman-casos-de-desaparicion-20170917-0063.html>

Fear and uncertainty reigned among Nayarit residents – “Some [relatives] claim that behind the disappearances are government officials working for the Public Prosecutor’s Office, who have a close relationship with Edgar Veytia, El Diablo, who was arrested in late March in the United States for drug trafficking. Other relatives are not sure who is in charge,” reported on article dated 17 September 2017.²⁰³ As with the crimes of property theft and extortion, it is elements of the Public Prosecutor’s Office and State Government of Nayarit which, using State resources, carry out the enforced disappearances. Indeed, witnesses report that officials from the Public Prosecutor’s Offices are the ones carrying out the kidnappings and beatings; that white vans without license plates belonging to the Public Prosecutor’s Office are used to detain the victims of enforced disappearance; and there are even reports of individuals being detained on the premises of the Public Prosecutor’s Office after their detention.²⁰⁴ Various testimonies documented in this report describe in greater detail the involvement of the Nayarit Public Prosecutor’s Office, which demonstrates that although former Nayarit Prosecutor Edgar Veytia was detained in the United States, the criminal structure consolidated over the previous six years continued to operate and carry out the crimes described herein, which intensified during the last months of Sandoval’s term of office.²⁰⁵

Despite the involvement of the Nayarit Public Prosecutor’s Office and its officials in the enforced disappearances that took place starting in June 2017, some individuals begin reporting these disappearances and family members begin to organize. In July 2017, relatives of disappeared persons hold a demonstration in front of the Nayarit Government Palace.²⁰⁶ Yet, many of the persons who report the cases of disappearance find themselves dealing with authorities who fail to conduct an impartial and effective investigation.²⁰⁷ In this regard, on 6 September 2017, the Comisión de la Defensa de los Derechos Humanos para el Estado de Nayarit (CDDH Nayarit) [Commission for the Defense of Human Rights for the State of Nayarit], denounced the Nayarit Prosecutor’s Office failure to take action: the refusal to formalize complaints of disappearance immediately; the refusal to initiate efficient and diligent investigations to find the victims; the fact that there are no dedicated or specialized personnel to work on locating missing persons; the absence of a record for certain files; and the “failure to [...] inspect, search, locate and obtain fingerprints and indications useful to locating and capturing the likely perpetrators and to prevent elements that lead to corruption and impunity.”²⁰⁸ Furthermore, CDDH Nayarit pointed out that the Public Prosecutor’s Office may have stigmatized the victims and subjected their family members to revictimization.²⁰⁹ Specifically, the Public Prosecutor’s Office acted in an “indolent, indifferent [...] and arrogant” manner, speculating about the lives of the victims instead of initiating diligent investigations.²¹⁰ Considering this context, the CDDH Nayarit asserted that the “[...] lack of collaboration among [Nayarit] authorities during the examination of complaints [in cases of disappearances] constitutes an attitude of disinterest and disregard for the observance and protection of human rights” and was an attitude that opened the door to other human rights violations, as the actions (and omissions) on the part of the Prosecutor’s Office prolonged existing enforced disappearances.²¹¹

Faced with the indifference and, in certain cases, even the obstruction of justice on the part of the government of Nayarit, different collectives of family members start to search on their own.²¹² Their

(accessed 16 March 2021); ‘Arranca el operativo BOM en Nayarit tras recientes hechos violentos’, *Miguel Ángel Luna MX*, 29 June 2017, <https://www.miguelangelluna.mx/2017/06/29/arranca-operativo-bom-nayarit-tras-recientes-hechos-violentos/> (accessed 16 March 2021).

203. ‘Ola de violencia en Nayarit; suman casos de desaparición’, *El Debate*, 17 September 2017, <https://www.debate.com.mx/politica/Ola-de-violencia-en-Nayarit-suman-casos-de-desaparicion-20170917-0063.html> (accessed 16 March 2021). See also, Óscar Verdín Camacho, ‘Personas desaparecidas: los relatos que duelen tanto’, *Relatos Nayarit*, 20 July 2017, <https://relatosnayarit.com/index.php/noticias/1838-personas-desaparecidas-los-relatos-que-duelen-tanto> (accessed 16 March 2021); ‘Levantón en pleno centro de Santiago!’, *News Network Communication NNC MX*, 15 July 2017, <https://www.nnc.mx/categoria/policiaca/%C3%83%E2%80%9A%C3%82%C2%A1levantOn-en-pleno-centro-de-santiago!/1500146012> (accessed 16 March 2021).

204. See Annex D – Entrevistas casos junio – sept. 2017.

205. See below, parts IV-VIII.

206. Óscar Verdín Camacho, ‘Personas desaparecidas: los relatos que duelen tanto’, *Relatos Nayarit*, 20 July 2017, <https://relatosnayarit.com/index.php/noticias/1838-personas-desaparecidas-los-relatos-que-duelen-tanto> (accessed 16 March 2021).

207. See Annex E – Recomendaciones de la Comisión de la Defensa de los Derechos Humanos para el Estado de Nayarit, Recomendación General 01/2017, p. 3-7.

208. *Ibid.*, p. 3-7.

209. *Ibid.*, p. 7-10.

210. *Ibid.*, p. 3-7.

211. *Ibid.*, p. 3-5.

212. For example, the father of a victim reports that when he found a clandestine grave and informed the Public Prosecutor’s

findings are stunning: from June 2017 through May 2020, at least 30 clandestine graves containing at least 140 bodies were found in various Nayarit municipalities.²¹³ In many cases, it is family members themselves who uncover clandestine graves in Nayarit, often facing indifference or lack of action on the part of State authorities.²¹⁴ Thus, although most of these graves were found after Roberto Sandoval Castañeda had left office in September 2017, the families of the victims of enforced disappearance have declared that justice has yet to be served for the crimes committed. When clandestine graves are found, the Nayarit Public Prosecutor's Office does not conduct impartial or efficient investigations, even after the departure of Veytia and Sandoval. Indeed, in certain cases, the Public Prosecutor's Office even attempts to intimidate and impede the efforts of the families of the disappeared persons.



Collectives of family members of disappeared persons search for clandestine graves

Worse still, enforced disappearances in Nayarit continue to this day. According to information released by the Public Prosecutor of Nayarit, Petronilo Díaz Ponce Medrano, in November 2019, from 2017 through 2019, 576 persons were formally reported missing in the State Nayarit.²¹⁵

Office, he was warned by an employee that he “would get into legal problems for having found that grave,” after which it was declared that the grave was just a septic tank. See Annex L.

213. Of these 140 bodies, only 69 have been identified. See Annex M – Hallazgo de fosas clandestinas y restos mortales identificados. The discovery of clandestine graves is narrated in several news articles between August 2017 and May 2020. See, e.g., Karla Méndez, ‘Hallan siete cuerpos en fosa clandestina en Nayarit’, *Excelsior*, 6 August 2017, <https://www.excelsior.com.mx/nacional/2017/08/06/1179969> (accessed 16 March 2021); ‘Familias de desaparecidos hallan 32 cuerpos en tres fosas de Nayarit; autoridades analizarán restos’, *Animal Político*, 16 January 2018, <https://www.animalpolitico.com/2018/01/encuentran-fosas-clandestinas-nayarit/> (accessed 16 March 2021); ‘Localizan nueva fosa clandestina en Mecatán, mpio. de San Blas, Nayarit’, *El Sol de Nayarit*, 4 June 2018, <http://www.elsoldenayarit.mx/nota-roja/60291-localizan-nueva-fosa-clandestina-en-mecatan-mpio-de-san-blas-nayarit> (accessed 16 March 2021); Myriam Navarro, ‘Exhuman 9 cuerpos de fosa clandestina en Nayarit (fosa clandestina localizada hace siete días en el predio Valle del Avión, municipio de Xalisco)’, *Periódico La Jornada*, 31 May 2020, <https://www.jornada.com.mx/2020/05/31/estados/027n4est> (accessed 16 March 2021).

214. FIDH/IDHEAS interviews and documentation.

215. Karina Cancino, ‘Fiscalía de Nayarit registra 621 desaparecidos entre 2017 y 2019’, *Aristegui Noticias*, 13 November 2019, <https://aristeguinoticias.com/1311/mexico/fiscalia-de-nayarit-registra-621-desaparecidos-entre-2017-y-2019/> (accessed 16 March 2021).

2. Accusations against Sandoval

Since 2017, crimes committed by the Nayarit Public Prosecutor's Office and the Nayarit Governor's Office, under Sandoval's term, from 2011 through 2017, continue to be exposed. Like Edgar Veytia before him, Roberto Sandoval is currently detained for crimes that occurred during his six years in office. According to records of a criminal investigation led by Mexico's Fiscalía Especializada para la Atención de Delitos Electorales ("Fepade") [Prosecution Service Specialized in Election Offences], from 2013 to 2017, Sandoval allegedly used public resources for his personal benefit and for his political campaigns.²¹⁶ According to media reports, former governor Sandoval allegedly used money illicitly obtained, including through the acts of property and extortion committed against Nayarit residents described above, to buy expensive horses and ranches,²¹⁷ 12,000 head of cattle, and 350 Spanish brood mares during his governorship,²¹⁸ in addition to luxury art objects and equestrian artifacts.²¹⁹

A few days after Veytia's arrest in the United States in March 2017, Sandoval denied having any knowledge of the former prosecutor's criminal activities, "[...] although you may find it hard to believe, we did not know [...] before Monday [I would have put my hand in the fire for him]..."²²⁰ Furthermore, the former governor declares that he would be the first person interested in investigating the narcotics trafficking cases Veytia is accused of.²²¹ As described above, two years later, a communiqué from the U.S. government revealed that Roberto Sandoval also allegedly received bribes from drug cartels,²²² and, on 6 June 2021, Sandoval was detained by federal authorities in Mexico.²²³

A few months after the U.S. government published its press release, the Mexican government's Unidad de Inteligencia Financiera (UIF) [Financial Intelligence Unit] blocked the former governor's bank accounts²²⁴ and an investigation was launched in Mexico into acts of corruption, illicit enrichment and organised crime. On 23 January 2020, Sandoval's bank accounts were permanently suspended.²²⁵ According to a press release, the former governor of Nayarit had 42 bank accounts blocked, totalling more than 1.196 billion Mexican pesos.²²⁶ In addition, Sandoval is alleged to have used companies to launder money, in collusion with his wife and children.²²⁷

216. Juan Carlos Huerta, 'Giran nueva orden de aprehensión contra Roberto Sandoval, exgobernador de Nayarit', *El Financiero*, 20 December 2020, <https://www.elfinanciero.com.mx/nacional/giran-nueva-orden-de-aprehension-contra-roberto-sandoval-exgobernador-de-nayarit> (accessed 15 March 2021). See also Luis Pablo Beaurgard, 'La Fiscalía investiga a otro gobernador del PRI por corrupción', *El País*, https://elpais.com/internacional/2017/07/04/mexico/1499121732_612807.html (accessed 16 March 2021).

217. Patricia Dávila, 'Roberto Sandoval: Crónica de un enriquecimiento delirante', *Revista Proceso*, 14 July 2019, <https://www.proceso.com.mx/reportajes/2019/6/14/roberto-sandoval-cronica-de-un-enriquecimiento-delirante-226413.html> (accessed 16 March 2021). See also 'Denuncian desvío de 2,700 mdp del exgobernador Roberto Sandoval en Nayarit', *Animal Político*, 22 November 2017, <https://www.animalpolitico.com/2017/11/nayarit-desvio-recursos/> (accessed 16 March 2021).

218. 'Exgobernador de Nayarit compró 12 mil cabezas de ganado y 350 yeguas españolas: Comisión de la Verdad', *NSS Oaxaca*, 6 March 2018, <https://www.nssoxaca.com/2018/03/06/ex-gobernador-de-nayarit-compro-12-mil-cabezas-de-ganado-y-350-yeguas-espanolas-comision-de-la-verdad/> (accessed 16 March 2021).

219. 'La FGR giró órdenes de aprehensión contra Roberto "S", exgobernador de Nayarit y su hija', *Infobae*, 1 March 2021, <https://www.infobae.com/america/mexico/2021/03/01/la-fgr-giro-ordenes-de-aprehension-contra-roberto-s-ex-gobernador-de-nayarit-y-su-hija/> (accessed 16 March 2021).

220. Francisco Guillén, 'Entrevista | Roberto Sandoval tras la detención del Fiscal General del Estado', YouTube, 29 March 2017, <https://www.youtube.com/watch?v=a7LrCXzRmBs> (accessed 16 March 2021).

221. *Ibid.*

222. US Department of the Treasury, 'Treasury Works with Government of Mexico Against Perpetrators of Corruption and their Networks', 17 May 2019, <https://home.treasury.gov/news/press-releases/sm692> (accessed 15 March 2021).

223. Georgina Zerega, *El País*, 'Detenido el exgobernador de Nayarit Roberto Sandoval', 6 June 2021, <https://elpais.com/mexico/2021-06-06/detenido-el-exgobernador-de-nayarit-roberto-sandoval.html> (accessed 7 June 2021).

224. 'Cuentas de Roberto Sandoval, ligado al narco, pueden ser bloqueadas', *Expansión Política*, 2 July 2019, <https://politica.expansion.mx/mexico/2019/07/02/exgobernador-nayarit-roberto-sandoval-castaneda-cuentas> (accessed 16 March 2021).

225. Jannet López Ponce, 'De lavado de dinero a compra de ganado suizo, las huellas de UIF tras Roberto Sandoval', *Milenio*, 15 November 2020, <https://www.milenio.com/politica/roberto-sandoval-uif-encontro-gobernador-nayarit> (accessed 16 March 2021). See also 'Resguardan propiedades de exgobernador de Nayarit valuadas en más de 170 mdp', *¡La Neta Neta!*, 15 December 2020, <https://lanetaneta.com/resguardan-propiedades-de-exgobernador-de-nayarit-valuadas-en-mas-de-170-mdp/> (accessed 16 March 2021).

226. Jannet López Ponce, 'De lavado de dinero a compra de ganado suizo, las huellas de UIF tras Roberto Sandoval', *Milenio*, 15 November 2020, <https://www.milenio.com/politica/roberto-sandoval-uif-encontro-gobernador-nayarit> (accessed 16 March 2021).

227. 'La FGR giró órdenes de aprehensión contra Roberto "S", ex gobernador de Nayarit y su hija', *Infobae*, 1 March 2021, <https://www.infobae.com/america/mexico/2021/03/01/la-fgr-giro-ordenes-de-aprehension-contra-roberto-s-ex-gobernador-de-nayarit-y-su-hija/> (accessed 16 March 2021).

In February 2020, civil society organisations reiterated to the Public Prosecutor of the Republic of Mexico, Alejandro Gertz Manero, accusations of illicit enrichment made in Nayarit against Sandoval.²²⁸ On 13 November 2020, the Nayarit Public Prosecutor's Office issues an arrest warrant against the former governor for the crimes of embezzlement and malfeasance.²²⁹ Likewise, on 1 March 2021, the Public Prosecutor's Office of the Republic of Mexico (hereinafter "FGR") issued an arrest warrant for Sandoval and his daughter Lidy Alejandra, for acts or transactions involving funds from illicit sources.²³⁰

By the time the first arrest warrant was issued, former Governor Sandoval had already fled the State of Nayarit.²³¹ Roberto Sandoval remained a fugitive from justice until 6 June 2021, when he was detained in the State of Nueva León, together with his daughter Lidy Alexander, accused by the FGR of receiving funds from illicit sources, with evidence linking him to former Prosecutor Edgar Veytia.²³²

3. The current state of impunity

Until December 2020, the situation for family members of victims of enforced disappearance was still one of impunity and very little cooperation with the justice system. Although certain criminal cases, such as those of Veytia's (in the U.S.) and Sandoval's (since November 2020) went forward, they concerned corruption and drug trafficking. When it comes to cases of enforced disappearance, justice still eludes many families: of the 140 bodies found in clandestine graves, only 69 have been identified.²³³

Moreover, people connected to the criminal organisation operating within the Public Prosecutor's Office during Veytia's tenure remained in office after 2017. In 2018, the Nayarit Secretary of Public Security confirmed as much, stating "we cannot deny that we still have people infiltrated."²³⁴ Recently, a media article stated that, "in the Nayarit Public Prosecutor's Office there are still staff members connected to the enforced disappearances that took place under the orders of former Prosecutor Edgar Veytia."²³⁵ As expressed by family members of disappeared persons, the fact that members of this criminal structure continue to operate or be connected to the Nayarit State government, in one way or another, has contributed to their re-victimization, and these family members find themselves in a situation of risk²³⁶.

228. See Annex B and 'Piden en Nayarit justicia y verdad en caso de Roberto Sandoval', *Aristegui Noticias*, 2 March 2020, <https://aristeguinoticias.com/0203/mexico/piden-en-nayarit-justicia-y-verdad-en-caso-de-roberto-sandoval/> (accessed 16 March 2021).

229. "Que no se esconda": AMLO pide al exgobernador Roberto Sandoval dar la cara', *Animal Político*, 14 November 2020, <https://www.animalpolitico.com/2020/11/que-no-se-esconda-amlo-roberto-sandoval/> (accessed 16 March 2021); 'Giran orden de aprehensión contra el ex gobernador de Nayarit, Roberto Sandoval, por enriquecimiento ilícito', *Infobae*, 13 November 2021, <https://www.infobae.com/america/mexico/2020/11/13/giran-orden-de-aprehension-contra-el-ex-gobernador-de-nayarit-roberto-sandoval-por-corrupcion/> (accessed 16 March 2021). According to statements by the Nayarit Public Prosecutor's Office, the former governor would have left the country. See Alejandro Domínguez, 'Fiscalía de Nayarit asegura que Sandoval huyó de México; él dijo en marzo que no lo haría', *Milenio*, <https://www.milenio.com/policia/roberto-sandoval-huyo-mexico-asegura-fiscalia-nayarit> (accessed 15 March 2021).

230. 'La FGR giró órdenes de aprehensión contra Roberto "S", exgobernador de Nayarit y su hija', *Infobae*, 1 March 2021, <https://www.infobae.com/america/mexico/2021/03/01/la-fgr-giro-ordenes-de-aprehension-contra-roberto-s-ex-gobernador-de-nayarit-y-su-hija/> (accessed 16 March 2021).

231. 'Giran orden de aprehensión contra el ex gobernador de Nayarit, Roberto Sandoval, por enriquecimiento ilícito', *Infobae*, 13 November 2021, <https://www.infobae.com/america/mexico/2020/11/13/giran-orden-de-aprehension-contra-el-ex-gobernador-de-nayarit-roberto-sandoval-por-corrupcion/> (accessed 16 March 2021).

232. Georgina Zerega, *El País*, 'Detenido el exgobernador de Nayarit Roberto Sandoval', 6 June 2021, <https://elpais.com/mexico/2021-06-06/detenido-el-exgobernador-de-nayarit-roberto-sandoval.html> (accessed 7 June 2021) and 'Detienen al exgobernador de Nayarit, Roberto Sandoval y a su hija', 6 June 2021, <https://www.animalpolitico.com/2021/06/detienen-exgobernador-nayarit-roberto-sandoval-hija/> (accessed 7 June 2021). See also 'Ofrecen tercera orden de aprehensión contra Roberto Sandoval', *El Heraldo de México*, 19 December 2020, <https://heraldodemexico.com.mx/nacional/2020/12/19/ofrecen-tercera-orden-de-aprehension-contra-roberto-sandoval-237329.html> (accessed 15 March 2021).

233. See Annex M – Hallazgo de fosas clandestinas y restos mortales identificados. According to the Nayarit Public Prosecutor's Office, between 2017 and 2021, "existe un registro de 27 fosas clandestinas y que de éstas se han exhumado un total de 139 cuerpos; de los cuales 61 han sido identificados y entregados a sus familiares". See Annex Q – Informe del Estado Mexicano en respuesta al CED (enero 2021), p. 2. According to an article dated December 2020, over 80 bodies had been delivered. See 'Colectivos piden justicia por desaparecidos en Nayarit', *El Heraldo de México*, 11 December 2020, <https://heraldodemexico.com.mx/nacional/2020/12/11/colectivos-piden-justicia-por-desaparecidos-en-nayarit-234535.html> (accessed 16 March 2021).

234. Dennis A. García, "Seguimos infiltrados por gente de Veytia", *El Universal*, 22 January 2018, <https://www.eluniversal.com.mx/nacion/seguridad/policia-de-nayarit-infiltrada-admiten> (accessed 16 March 2021).

235. Gloria Reza M., 'Nayarit: acusan nexo de funcionarios con desapariciones forzadas', *Revista Proceso*, 8 March 2021, <https://www.proceso.com.mx/nacional/estados/2021/3/8/nayarit-acusan-nexo-de-funcionarios-con-desapariciones-forzadas-259671.html> (accessed 16 March 2021).

236. As has been mentioned, the issue of re-victimization has also been noted by the CDDH Nayarit. See Annex E – Recomendaciones de la Comisión de la Defensa de los Derechos Humanos para el Estado de Nayarit, Recomendación General 01/2017, p. 7-10.

Moreover, the continued presence of these individuals has impeded the progress of justice for cases of enforced disappearance that took place in the State of Nayarit.²³⁷

On 15 August 2020, given this state of impunity for many of the crimes committed under Veytia and Sandoval's mandates, family members of disappeared persons solicited the NGO IDHEAS to submit a request to the United Nations Committee on Enforced Disappearances ("CED"), asking for 39 cases of enforced disappearance that occurred from 2012 through 2020 be examined, based on documentation obtained by FIDH and IDHEAS. In response, the CED activated the urgent action procedure for the 39 victims and ordered the State of Mexico to take action to search for and locate the victims, as well as to carry out investigations and identify the perpetrators.²³⁸ Eighteen of these 39 victims correspond to the victims identified in the following section of this report.

Four months later, on 15 December 2020, representatives of the Mexican federal government and the FGR visited the State of Nayarit to follow up on the 39 cases of enforced disappearances that had been brought before the CED.

Following the FGR's visit to Nayarit, various human rights defenders have suffered attacks in the State of Nayarit. On 28 January 2021, Santiago Pérez Becerra, coordinator of the Collective "Familias Unidas por Nayarit" [Families United for Nayarit] and father of Santiago Eloir Pérez, whose case enforced disappearance is analysed in of this report, was arrested. The work of the Collective "Familias Unidas por Nayarit" and Mr. Pérez Becerra has been instrumental in the search for missing persons and in locating clandestine graves in Nayarit. The Nayarit Public Prosecutor's Office accuses Mr. Pérez Becerra of criminal behaviour allegedly committed more than 14 years ago, based on an arrest warrant issued on 9 October 2006. He was arrested under violent conditions by men in civilian clothes, who did not identify themselves, broke into his home, threw him to the ground, and forced him into an unmarked vehicle. For approximately 40 minutes after his arrest his relatives were unaware of his location and feared a possible case of disappearance, given the circumstances of the arrest, until they received information of his detention from the State Public Prosecutor's Office. As of the date of this publication, Mr. Pérez Becerra is still in detention.²³⁹

Recent attacks and threats made by the Nayarit Public Prosecutor's Office against human rights defenders, including leaders of family collectives, make it more difficult for the relatives of victims of enforced disappearance to seek out truth and justice. Today, almost four years after the facts, no individual has yet been convicted and sentenced for the enforced disappearances that took place in Nayarit in 2017.²⁴⁰

237. Interviews carried out by FIDH.

238. Annex K – Respuesta del CED.

239. See 'México: Detención arbitraria de Santiago Pérez Becerra', 4 February 2021, International Federation for Human Rights (FIDH), <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/mexico-detencion-arbitraria-de-santiago-perez-becerra> (accessed 22 March 2021). See also Raúl Torres, 'Organizaciones piden medidas de protección para líder de colectivo de búsqueda en Nayarit', *El Universal*, 4 February 2021, <https://www.eluniversal.com.mx/estados/organizaciones-piden-medidas-de-proteccion-para-lider-de-colectivo-de-busqueda-en-nayarit> (accessed 22 March 2021).

240. Interviews by FIDH/IDHEAS.

IV. Jurisdiction

Mexico signed the Rome Statute on 7 September 2000 and deposited its instruments of ratification on 28 October 2005.²⁴¹ The events described in this report refer to conduct committed by Mexican nationals on Mexican territory, specifically, to acts of enforced disappearance committed between June and September of 2017, after the entry into force of the Rome Statute and its entry into force for the Mexican State. The organisations that have written the present report consider that this conduct constitutes crimes against humanity in accordance with the Statute. Accordingly, the organisations submitting the present report consider that the Court has temporal, personal and subject-matter jurisdiction over this conduct.²⁴²

V. Standard to be applied in determining the alleged commission of crimes within the jurisdiction of the International Criminal Court in the State of Nayarit between June and September 2017

The report is submitted pursuant to Article 15 of the Rome Statute, which provides in paragraph (1) that “The Prosecutor may initiate investigations *proprio motu* on the basis of information on crimes within the jurisdiction of the Court”. The organisations submitting the present report have taken into account, in describing the events and identifying the conduct, that Article 15(3) of the Statute provides that the Prosecutor may conclude that there is a reasonable basis to proceed with an investigation.²⁴³ The “reasonable basis” standard or test outlined in both Article 15(3) and Article 53(1)(a) is the lowest evidentiary standard provided for in the Statute.²⁴⁴ This is so given that the nature of this early stage of the proceedings is confined to a preliminary examination²⁴⁵ and, thus, the information available to the Prosecutor at this stage is neither expected to be “comprehensive” nor “conclusive” if compared to evidence gathered during an investigation.²⁴⁶ What is required to meet this standard is “a sensible or reasonable justification for a belief that a crime falling within the jurisdiction of the Court ‘has been or is being committed’”.²⁴⁷ This is the criterion used in this report to consider that between June and September 2017, crimes within the jurisdiction of the Court were committed in Nayarit, Mexico.

241. Assembly of States Parties to the Rome Statute, Member States, Mexico: https://asp.icc-cpi.int/en_menus/asp/states%20parties/latin%20american%20and%20caribbean%20states/Pages/mexico.aspx.

242. Appeals Chamber, Judgment on the Appeal of Mr. Thomas Lubanga Dyilo against the Decision on the Defence Challenge to the Jurisdiction of the Court pursuant to Article 19 (2) (a) of the Statute of 3 October 2006, 14 December 2006, ICC-01/04-01/06 (OA4), paras. 21-22; Pre-Trial Chamber II, “Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya”, 31 March 2010, ICC-01/09-19-Corr, paras. 38-39.

243. The Office of the Prosecutor, Policy Paper on Preliminary Examinations, November 2013, para. 34.

244. Pre-Trial Chamber II, “Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya”, 31 March 2010, ICC-01/09-19-Corr, para. 27; Pre-Trial Chamber III, “Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d’Ivoire”, 15 November 2011, ICC-02/11-14-Corr, para. 24.

245. Pre-Trial Chamber II, “Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya”, 31 March 2010, ICC-01/09-19-Corr, para. 27.

246. *Ibid.*; Pre-Trial Chamber III, “Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d’Ivoire”, 15 November 2011, ICC-02/11-14-Corr, para. 24.

247. Pre-Trial Chamber II, “Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya”, 31 March 2010, ICC-01/09-19-Corr, para. 35; Pre-Trial Chamber III, “Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d’Ivoire”, 15 November 2011, ICC-02/11-14-Corr, para. 24.

VI. Crimes under the jurisdiction of the International Criminal Court

The events described and the information provided refer to conduct committed by Nayarit State authorities and security forces operating in the State, as part of an attack against a civilian population of Nayarit inhabitants aimed at maintaining territorial control over drug trafficking in the State. Based on the evidence available, these events could constitute crimes against humanity.

These crimes, as detailed in this report, essentially comprise acts of enforced disappearance of persons (Article 7(1)(i)), committed in some cases, as described below, by persons who expressly identified themselves to witnesses as authorities of the State of Nayarit or who were identified by relatives or acquaintances of the disappeared victims or other witnesses as authorities of this State.

A. Places of commission of the crimes

These crimes – of enforced disappearance of persons – were committed in the territory of Mexico, in the State of Nayarit, one of the 32 federal entities of the Mexican Republic, in several municipalities of this State. Most of the acts of enforced disappearance that are the subject of this report took place in the city of Tepic, the State capital. Of the 26 events presented in this report in which acts of enforced disappearance constituting a crime against humanity were allegedly committed (ten in the month of June, six in the month of July, five in the month of August and five in the month of September), 22 occurred in different neighbourhoods of Tepic (ten in the month of June, three in the month of July, four in the month of August and five in the month of September). The other events presented in this report occurred in the towns of Francisco Madero, Santiago Ixcuintla and San Blas, all localities that are close to the State capital. A map showing the locations of the 26 events described is presented as an annex to the report.²⁴⁸

B. Period of commission of the crimes

The events during which the crimes of enforced disappearance that are the subject of this report were committed occurred between June and September of 2017. This period corresponds to the second period of terror in the State of Nayarit described in the context section of this report.

As explained in the context, following the arrest of former Public Prosecutor Veytia on 27 March 2017 and the election defeat of former Governor Roberto Sandoval in June 2017 there was an increase in crimes of enforced disappearance. The month of June saw an intensification of acts of enforced disappearance in the State of Nayarit, committed by State authorities, and can be identified as the month of the beginning of the attack directed against a civilian population of inhabitants of Nayarit, which aimed to maintain territorial control over drug trafficking in the State. The enforced disappearances continued until the end of September 2017, when Sandoval left the governor's office.²⁴⁹

The report describes events that took place between 12 and 30 June 2017, in which at least 21 persons suffered enforced disappearance. A second series of crimes took place between 4 and 29 July 2017. In the July events at least nine persons suffered enforced disappearance. The third series of enforced disappearances occurred between 13 and 27 August 2017, in which at least 10 persons suffered enforced disappearance. A final series of crimes took place between 5 and 23 September of that same year, coinciding with the departure of Mr. Roberto Sandoval Castañeda from his position as

248. See Annex N – Map - Events of enforced disappearance.

249. As described in the context section, enforced disappearances continued to take place between 2017 and 2019, but this report focuses only on the disappearances that occurred between June and September 2017, which were carried out by the criminal structure of the Nayarit Public Prosecutor's Office, during the last months of the Sandoval Castañeda administration.

governor of the State of Nayarit. In these last events, seven persons suffered enforced disappearance. A list of the 26 events described and the dates on which they occurred, concerning a total of at least 47 victims, as well as the corresponding case files and interviews for each event, is attached as an annex to this report.²⁵⁰

The events described in the report, in which acts of enforced disappearance were committed, form part of a broader wave of violence which, as explained in the context section, escalated with particular intensity in June 2017, following the elections that led to Sandoval's election loss. In this broader context of violence, between 120 and more than 300 disappearances were reportedly committed.²⁵¹ In relation to these disappeared persons, as of November 2020, 140 bodies have been found in clandestine graves located in the State of Nayarit.²⁵² The description of each of these events indicates, with respect to the 47 victims of enforced disappearance described in this report, those whose bodies were found in clandestine graves located in the State of Nayarit between 2018 and 2019.



Collectives of family members of disappeared persons uncover a clandestine grave. © Nayarit.tv / NNC

The report therefore describes only some of the events in which acts of enforced disappearance occurred, those perpetrated between June and September 2017, where there is testimonial evidence that makes it possible to recognise a modus operandi of the criminal structure of the Nayarit Public Prosecutor's Office during this time period. Therefore, cases that fall outside this time period or other events that do not correspond to the modus operandi described herein, or in respect of which information is lacking, have been excluded from our legal analysis. However, we have included a brief description of 30 excluded cases, whose testimonies were compiled in an Annex to this report by the undersigned organisations, and which form part of a broader context of violence in the State of Nayarit.²⁵³

250. See Annex D – Case interviews, June-Sept 2017 and Annexes D1 to D26.

251. As explained above, 140 bodies were found in 30 clandestine graves between June 2017 and May 2020 in different municipalities of Nayarit. See Annex M – Findings of clandestine graves and identified human remains. However, according to other estimates, the number would be between 120 and over 300 disappearances in 2017. See, for example, "El infierno de las fosas en Nayarit, la herencia de 'El Diablo'", *Milenio*, 31 January 2018, <https://www.milenio.com/policia/el-infierno-de-las-fosas-en-nayarit-la-herencia-de-el-diablo> (accessed 16 March 2021).

252. Of these 140 bodies, only 69 have been identified. See Annex M – Findings of clandestine graves and identified human remains.

253. See Annex A – Casos excluidos.

C. Persons possibly involved in the commission of the crimes

According to the information available for the preparation of this report,²⁵⁴ the persons involved in the commission of the crimes of enforced disappearance were public officials mainly linked, during the period of their commission, to the Public Prosecutor's Office of the State of Nayarit, the Nayarit Police Force and the Government of the State of Nayarit. These persons were part of the criminal structure formed within the Public Prosecutor's Office described in the context section, comprised of a group of officials close to former Governor Roberto Sandoval Castañeda and former State Public Prosecutor Edgar Veytia Cambero, who was arrested, as detailed in the context section, in the United States in March 2017 and sentenced to 20 years in prison for importing, manufacturing and supplying drugs. Even though during the period covered by this report, June to September 2017, Mr. Veytia Cambero no longer had the status of Public Prosecutor, this criminal group continued to run the Nayarit Public Prosecutor's Office and the Nayarit Police Force and Sandoval continued to serve as Governor of the State until September of 2017.

In the period from June to September of 2017, when the crimes of enforced disappearance of persons referred to in this report occurred, the Governor of the State of Nayarit was Roberto Sandoval Castañeda, who held the position of Governor from 19 September 2011 to 18 September 2017. In accordance with the Organic Law of the Executive Branch of the State of Nayarit in force in 2017, the exercise of the executive authority of the State was vested in a single individual, the Constitutional Governor of the State of Nayarit, Roberto Sandoval Castañeda.²⁵⁵

Mr. Roberto Sandoval Castañeda, in his capacity as Governor, decided after Veytia's detention, when appointing a new Public Prosecutor in charge, on 29 March 2017, to take direct responsibility for State security,²⁵⁶ in exercise of functions attributed to him under the Organic Law of the Executive Branch of the State of Nayarit, which provided that the command of the State's public security forces was vested in the Governor of the State.²⁵⁷

As noted in the context section, after the reform of the Law of the Nayarit State Public Security System in 2015, the State Public Prosecutor had the role of coordinating police units and forging collaboration agreements in matters of public security, and its prosecution offices had the role of leading the Nayarit Police Force and the rest of the State's police bodies when they assisted in the investigation and prosecution of crimes.²⁵⁸

The Governor of the State, Mr. Roberto Sandoval Castañeda, together with the Public Prosecutor's Office of Nayarit, had under their command, in the months of June to September 2017, the Nayarit Police Force and the police officers assisting the work of the Public Prosecutor's Office, who, presumably, committed the enforced disappearances described in this report.

In addition, a series of elements lead us to consider that senior officials in the Public Prosecutor's Office, together with Mr. Roberto Sandoval Castañeda, who formed part of the criminal structure they had themselves created, would have utilized Nayarit State resources, including vehicles, weapons, uniforms, emblems and communication devices, to carry out an attack against a civilian population of inhabitants of Nayarit, which was aimed at maintaining territorial control over drug trafficking in the State, and which entailed the commission of serious crimes, in particular, the enforced disappearance of persons. For this reason, this report requests that the FGR investigate the possible responsibility of Roberto Sandoval Castañeda in these acts.

254. In accordance with the methodology described, the information was obtained from testimonies of relatives of the disappeared persons, open sources (press releases, news in various media, publicly available government information and requests for access to public information via transparency procedures) and relevant evidence provided by family members, among others.

255. Organic Law of the Executive Branch of the State of Nayarit, Article 2.

256. See "Nombra Nayarit a Carlos Rodríguez como nuevo Fiscal, en sustitución de Veytia", *Paralelo Informativo*, 29 March 2017, <http://www.paraleloinformativo.com/nombra-nayarit-a-carlos-rodriguez-como-nuevo-fiscal-en-sustitucion-de-veytia/> (accessed 16 March 2021).

257. Organic Law of the Executive Branch of the State of Nayarit, Article 11: "The Governor of the State shall be in command of the State's public security forces; in the municipalities, the municipal preventive police shall obey her/his orders in those cases s/he deems to constitute force majeure or a serious disturbance of public order".

258. According to Articles 9(XVI) and 32(XX) respectively, of the Organic Law of the State Public Prosecutor's Office in force during Governor Roberto Sandoval Castañeda's term in office. See also, Marcos Muedano, "Édgar Veytia controlaba todas las policías", *Excelsior*, 7 April 2017, <https://www.excelsior.com.mx/nacional/2017/04/07/1156451> (accessed 16 March 2021).

VII. Legal characterisation of the crimes committed in the period from June to September 2017 and the reasons they amount to crimes under the International Criminal Court's jurisdiction

The information gathered for the preparation of this report allows us to consider on a reasonable basis that during the months of June to September 2017, crimes against humanity were committed in the State of Nayarit. In particular, there is a reasonable basis to consider that elements of the Public Prosecutor's Office of the State of Nayarit and the Nayarit Police Force, with the likely knowledge of the Governor of the State of Nayarit, committed, during that period, along with other possible crimes within the jurisdiction of the International Criminal Court (hereinafter, "ICC"), the crime against humanity of enforced disappearance of persons (Article 7(1)(i)). This crime was committed as part of a systematic attack against a civilian population in the State of Nayarit, involving the commission of multiple acts of enforced disappearance against persons living mainly in the State capital (Tepic) and towns of Nayarit near the capital, in compliance with a policy emanating from the highest authorities of the State Public Prosecutor's Office, Police Force and Governor's Office, which aimed to maintain territorial control over drug trafficking in the State.

"Enforced disappearance of persons" is defined in Article 7(2)(i) of the Statute as "the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organisation, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time".

The Chambers of the ICC have held that the crime of enforced disappearance "consists of two inseparably interrelated components: (i) the victim's deprivation of liberty; and (ii) the ensuing denial or suppression of information".²⁵⁹ With regard to the first component, it is understood that the terms "arrest, detention or abduction" cover comprehensively "any form of deprivation of liberty of a person against his or her will".²⁶⁰ With regard to the second component, it is understood that the refusal to acknowledge deprivation of freedom or to give information "encompasses outright denial or the giving of false information about the fate or whereabouts of the victim".²⁶¹ The Chambers of the ICC have also held that the crime of enforced disappearance is considered a continuous crime "as long as the perpetrators continue to conceal the fate and whereabouts of the person or persons who have disappeared and these facts remain unclarified".²⁶²

In the 26 events described below at least 47 inhabitants of the State of Nayarit were victims, between the months of June to September 2017, of acts of deprivation of freedom committed by persons identified as belonging to the Public Prosecutor's Office of the State of Nayarit, the Nayarit Police Force, according to information provided by family members or witnesses. The 47 victims were poor people from Tepic and neighbouring towns, who performed jobs such as bricklayer, mechanic or welder. The 47 victims were not members of military forces or those considered to have combatant status. Of the 47 victims, 25 have been found in clandestine graves in Nayarit containing a total of 140 bodies.

Based on the available evidence, the authors of the present report have a reasonable basis to believe that the attack on a civilian population of inhabitants of Nayarit was aimed at maintaining territorial control over drug trafficking in the State.

In all these 26 events, persons belonging to State institutions acted in a public manner, at different times of the day, depriving Nayarit inhabitants of their freedom in their homes or workplaces or in the homes of relatives, friends or acquaintances, or when they were walking through the streets or on other public

259. Pre-Trial Chamber III, Public Redacted Version of "Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Burundi", ICC-01/17-X-9-US-Exp, 25 October 2017, 9 November 2017, ICC-01/17-X, para. 118.

260. *Ibid.*

261. *Ibid.*

262. *Ibid.*, para. 121.

roads – in Tepic or nearby towns. In several of the events it was established that the persons who carried out the acts of deprivation of freedom arrived at the locations asking specifically for one or several of the disappeared persons. In almost all cases, the acts of deprivation of freedom were carried out with some form of weapons, force or violence, including beatings. Following the deprivations of freedom, relatives searched for and inquired about each of the 47 persons, at the State Public Prosecutor's Office and at State Police detention sites, among other places, and the response they received was a denial of the deprivation of freedom of the relative concerned or a refusal to provide information about the detention. Although in relation to at least 47 persons who were forcibly disappeared between June and September 2017 in Nayarit relatives reported the disappearance to the Nayarit Public Prosecutor's Office, as of the date of finalisation of this report, no perpetrator or leader of the criminal group formed within the Nayarit Public Prosecutor's Office had been linked to investigations in any of these cases.

The information presented in the context section and the 47 cases of enforced disappearance allow us to find on a reasonable basis that during the months of June to September of 2017, crimes against humanity were committed in the State of Nayarit.

By way of example, three cases of enforced disappearance will be described next.²⁶³

In the case of **D4**, which took place on 17 June 2017 in the city of Tepic, one person suffered enforced disappearance. According to witnesses, this victim was in his home with his partner and son when, at around 6.30 pm, two vans from the Nayarit Public Prosecutor's Office arrived, one black and the other white. Six hooded men with long-barrelled weapons got out of the vans. Two of them went directly into the victim's room and took him out with a gun to his head, telling him that he was going to regret it, and forcibly loaded him onto a van. Two other individuals stayed with the victim's partner and son, pointing guns at them while they took the victim away. At the Nayarit Public Prosecutor's Office, when his relatives reported the incident, a witness recognised the vans that had taken the victim away. The relatives received no information about the victim's whereabouts from the Nayarit Public Prosecutor's Office. The dead body of this victim was found in a clandestine grave in the municipality of Xalisco, Nayarit, on 15 January 2018, together with 17 other individuals.

In the case of **D18**, which took place on 13 August in Tepic, two people suffered enforced disappearance. According to family members who were at the scene, a party was being held at a house in Tepic between family members and friends when a woman came and threatened the party guests. Later, between 7 and 7:30 pm, several vans arrived. Hooded men with long-barrelled weapons got out of the vans, several of them wearing dark-coloured uniforms similar to those used by the Nayarit Police Force (black, blue and grey) and with the Mexican flag on their uniforms. The men entered the house and took one of the victims; the second victim was detained on the street shortly thereafter. After their detention, relatives of the two victims never heard from them again, and the Nayarit Public Prosecutor's Office did not give them any information about the detention. The bodies of both victims were found in a clandestine grave in the municipality of Xalisco, Nayarit, on 12 February 2018, along six other individuals.

The case of **D26** took place on 23 September, again in Tepic, wherein three victims suffered enforced disappearance. In this case, the victim was intercepted on the street in front of his house, when two armed persons in a van stopped him and forced him into a van. This victim, who was male, was taken to a site where other individuals were detained. At this detention centre, whose exact location is unknown, at least three women were beaten and raped, including the two female victims in the case of D26. Two days later, on 25 September 2017, these two women were loaded onto a white four-door van, with bullet marks, in the company of four men. Later, the women were taken out of the white van and the men pointed long-barrelled weapons at them, telling them to walk towards a bush. One of the men said, "Where is the grave? Where are we going to bury them? Because these are already full". These two female victims were beaten with weapons by the men. After the event, the relatives of the three victims of enforced disappearance in this case never heard from them again, and the Nayarit Public Prosecutor's Office did not give them any information about their detention.

In the 41 remaining cases of enforced disappearance between June and September of 2017, authorities of the State of Nayarit follow a similar pattern, as will be explained below.²⁶⁴

263. In a confidential report submitted to the ICC, the 47 cases of enforced disappearance that took place between June and September of 2017 are described in detail.

264. While this report does not include detailed information about every victim, the following section will detail the contextual elements of crimes against humanity, which are a common thread in each of the 47 cases.

A. Contextual elements of the crime against humanity

The Rome Statute provides, in Article 7(1), that, for the purpose of the Statute, “crime against humanity” means any of the acts referred to in this Article when committed “as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”. Article 7(2) of the Statute provides that “‘Attack directed against any civilian population’ means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population pursuant to or in furtherance of a State or organisational policy to commit such attack”.²⁶⁵

The Chambers of the ICC have noted, in accordance with these definitions, that the crime against humanity involves the following contextual elements: (i) an attack directed against any civilian population, (ii) a State or organisational policy, (iii) an attack of a widespread or systematic nature, (iv) a nexus exists between the individual act and the attack, and (v) knowledge of the attack.²⁶⁶

In order to demonstrate our grounds for considering that the at least 47 cases of enforced disappearance documented in this report are crimes against humanity, we will first refer to the existence of an attack directed against a civilian population and, secondly, to the characterisation of the attack as a widespread or systematic attack. Finally, we will address the nexus between the individual acts and the attack.

1. Existence of an attack directed against a civilian population

The first element to be analysed is the existence of an “attack directed against any civilian population”, understood within the meaning of Article 7(2)(a) of the Statute, before going on to analyse the characterisation of the attack in particular to ascertain whether it was widespread or systematic.²⁶⁷

Article 7(2)(a) defines an “attack against any civilian population” as: (a) “a course of conduct involving the multiple commission of acts referred to in paragraph 1”; (b) directed “against any civilian population”; and (c), “pursuant to or in furtherance of a State or organisational policy to commit such an attack”.²⁶⁸ Together these three sub-elements, if established, demonstrate the existence of “an attack directed against any civilian population”.²⁶⁹

We set out below our grounds for considering that the at least 47 cases of enforced disappearance that took place in the State of Nayarit in the course of 26 events between June and September 2017 constitute an “attack directed against any civilian population” within the meaning of Article 7(2)(a) of the Statute.

a. Course of conduct involving the multiple commission of acts referred to in Article 7(1) of the Statute

An “attack” need not constitute a military attack or be part of a military operation.²⁷⁰ An attack may involve any form of violence against a civilian population.²⁷¹ Within the meaning of Article 7(1) of the Statute, “attack”, understood as a “course of conduct” refers to a campaign, an operation or a series of

265. Rome Statute, Article 7(2).

266. Trial Chamber VI, Prosecutor v Bosco Ntaganda, Judgment, 8 July 2019, ICC-01/04-02/06, para. 660; Pre-Trial Chamber III, Corrigendum to “Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d’Ivoire”, 15 November 2011, ICC-02/11, para. 29.

267. Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, paras 1097-1098; Pre-Trial Chamber I, The Prosecutor v Charles Blé Goudé, Decision on the confirmation of charges against Charles Blé Goudé, 11 December 2014, ICC-02/11-02/11, para. 126.

268. Trial Chamber VI, Prosecutor v Bosco Ntaganda, Judgment, 8 July 2019, ICC-01/04-02/06, para. 661; Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 148.

269. Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 670.

270. Elements of crimes. Article 7. Crimes against humanity, paragraph 3; Trial Chamber VI, Prosecutor v Bosco Ntaganda, Judgment, 8 July 2019, ICC-01/04-02/06, para. 662; Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/083343, para. 149.

271. Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1101.

actions carried out against the civilian population,²⁷² i.e. a “series or overall flow of events” as opposed to a mere aggregate of isolated or random acts,²⁷³ involving the “multiple commission” of acts referred to in Article 7(1).²⁷⁴ This indicates a “quantitative threshold” requiring “several” or “many acts”.²⁷⁵ The Chambers of the ICC have held that the number of the individual types of acts referred to in Article 7(1) is irrelevant, “provided that each of the acts fall within the course of conduct and cumulatively satisfy the required quantitative threshold”.²⁷⁶

Therefore, as the Chambers of the ICC have also noted, while a “course of conduct” must involve multiple acts under Article 7(1) of the Statute, the occurrence of those acts is not the only evidence that may be relevant to prove its existence. Since the “course of conduct” requires *a certain pattern of conduct*, evidence relevant to proving the degree of planning, direction or organisation by a group or organisation is also relevant to assessing the links and commonality of features between individual acts that demonstrate the existence of a “course of conduct” within the meaning of Article 7(2)(a) of the Statute.²⁷⁷

The 26 events that occurred between June and September 2017 in Nayarit show that multiple acts of enforced disappearance were committed against a civilian population during this time period. Between June and September 2017, at least 47 people were forcibly disappeared in Tepic and in towns near Tepic. These at least 47 cases of enforced disappearance were not a few isolated or random acts, but rather each of these acts took place within a series or flow of events that took place on a regular basis for almost four continuous months, with the events occurring at intervals of several days and in some cases, as in the month of June and in the month of September, during the same day. In addition to the spatial and temporal proximity in which they occurred, the 26 events were connected by their nature and characteristics, by having been carried out by persons identified as agents or officials of the State of Nayarit, and by the pattern of conduct adopted by the perpetrators of the acts of enforced disappearance. Furthermore, 24 of the 47 victims were found buried in the same clandestine graves as other victims, all located in the municipality of Xalisco, Nayarit.

In each of the 26 events several persons were involved, at least three or four, who in most cases were identified by witnesses as members of the Nayarit Public Prosecutor’s Office or the Nayarit Police Force; or who identified themselves at the time of the detention as members of one of these agencies of the State of Nayarit. Although in some cases those carrying out the detention were not explicitly identified, in all 26 events the involvement of elements of the Nayarit Public Prosecutor’s Office or the State government in one way or another is present, in particular by the use of vehicles of the Nayarit Public Prosecutor’s Office or the Nayarit Police Force²⁷⁸ which were recognised by the witnesses. In most of the events, weapons or some form of force or violence were used. In 21 of the 26 events, the perpetrators of the acts of enforced disappearance entered the places where the persons to be disappeared were located, took them away from these places and then loaded them onto vehicles of State agencies. In four events, the persons were detained on the street or public road, in full view of many witnesses, by persons belonging to the Nayarit Public Prosecutor’s Office or persons who identified themselves as police officers and then loaded onto vehicles of these agencies.²⁷⁹

272. Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 149; Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1101; Pre-Trial Chamber II, “Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo”, 15 June 2009, ICC-01/05-01/08-424, para. 75.

273. Trial Chamber VI, Prosecutor v Bosco Ntaganda, Judgment, 8 July 2019, ICC-01/04-02/06, para. 662; Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08, para. 149; Pre-Trial Chamber I, Prosecutor v Laurent Gbagbo, Decision on the confirmation of charges against Laurent Gbagbo, 12 June 2014, ICC-02/11-01/11, para. 209; Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1101.

274. Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 150; Pre-Trial Chamber I, Prosecutor v Laurent Gbagbo, Decision on the confirmation of charges against Laurent Gbagbo, 12 June 2014, ICC-02/11-01/11, para. 209.

275. Trial Chamber VI, Prosecutor v Bosco Ntaganda, Judgment, 8 July 2019, ICC-01/04-02/06, para. 663; Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 150.

276. Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 150.

277. Pre-Trial Chamber I, Prosecutor v Laurent Gbagbo, Decision on the confirmation of charges against Laurent Gbagbo, 12 June 2014, ICC-02/11-01/11, para. 210.

278. See Annex D – Case interviews.

279. See Annex D15.

This mode of operation of the perpetrators of the at least 47 cases of enforced disappearance reveals that there existed in Nayarit, and specifically in Tepic and nearby towns, between the months of June and September 2017, an operation directed against a civilian population, previously selected by the Nayarit State officials who carried out each of the at least 47 cases of disappearance, which constitutes an attack against that civilian population within the meaning of Article 7(2)(a) of the Statute. This operation was carried out in a planned, organised and coordinated manner. The vehicles, in which the at least 47 disappeared persons were transported, arrived, in each of the 26 events, at the locations that had been selected and at different times of the day; the persons who carried out the detentions always travelled in these vehicles, and remained, without concealing their presence, at the locations for the minimum time necessary to wait for, search for, remove or intercept the persons who were disappeared; and the vehicles left the locations, in each of the 26 events, after detaining the victims without any setback. 25 of these 47 victims were later found in clandestine graves located in Nayarit, which contained a total of 140 bodies.²⁸⁰

This type of action could not have been carried out, in the regular and continuous manner in which it was executed from June to September 2017, if it had not been the product of an operation directed and organised by the Nayarit State Government itself and operationally executed by the Nayarit Public Prosecutor's and the Nayarit Police Force.

b. Directed against a civilian population

The "course of conduct" must be directed against "a civilian population". According to the Chambers of the ICC, the expression "civilian population" refers to "civilians" as opposed to "members of armed forces and other lawful combatants"²⁸¹ and denotes a "collective" as opposed to individual "civilians".²⁸² Furthermore, as noted by the Chambers of the ICC, the requirement that the attack be "directed against" the civilian population "means that the civilian population must be the primary, as opposed to incidental, target of the attack",²⁸³ without meaning that the entire population of a geographical area was being targeted during the attack.²⁸⁴ What must be established is that civilians were targeted during the attack in "numbers or in a manner sufficient" to prove that the attack was directed against a civilian population²⁸⁵ and not against a limited group of specific individuals.²⁸⁶ The Chambers of the ICC have also noted that the reference to "any" civilian population in Article 7(1) of the Statute "means that the provision is not limited to populations defined by a common nationality, ethnicity or other similar distinguishing features".²⁸⁷

The report refers to at least 47 persons who were forcibly disappeared in a period of less than four months, in the same city and in towns near that city. The at least 47 persons who were subjected to enforced disappearance during the 26 events that occurred between June and September 2017 in the State of Nayarit, and more specifically in Tepic and in towns near Tepic, were all civilians, not members of military forces or those considered to have combatant status.

As the context section explains, the criminal group composed of high-ranking Nayarit officials, including former Public Prosecutor Veytia Cambero and former Governor Sandoval Castañeda, gained political control over the State in September 2011 and maintained their territorial control over criminal activities in Nayarit by, among other methods, making and maintaining alliances with certain drug cartels in Mexico. Between June and September of 2017 - the transition period for the Nayarit government, following elections in June of the same year - the intention to maintain territorial control over drug trafficking in

280. Annex M – Findings of clandestine graves and identified human remains.

281. Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1102.

282. Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/083343, para. 152; Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1102.

283. Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 154; Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1104.

284. Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 154; Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1104.

285. Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 154.

286. *Ibid.*; Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1105.

287. Trial Chamber VI, Prosecutor v Bosco Ntaganda, Judgment, 8 July 2019, ICC-01/04-02/06, para. 667; Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 155.

the State led senior officials from this criminal group who were still in office to seek to eliminate, through enforced disappearance, a group of inhabitants of the State of Nayarit. In all the events described above, the Nayarit Public Prosecutor's Office sought to get rid of these persons in order to maintain territorial control over drug trafficking in the State, by means of the crime of enforced disappearance.²⁸⁸

This explains why among the at least 47 persons who were forcibly disappeared in the months of June to September 2017, we find impoverished men and women, of various ages, who performed jobs such as that of a mechanic, bricklayer, welder or carpenter. Among the 47 victims of enforced disappearance, 39 were men and 8 were women, ranging in age from 23 to 53 years old, most of them between 23 and 30 years old. What makes these at least 47 persons a "civilian population" and not a limited number of isolated individuals, in addition to the number of victims (at least 47 in less than four months), is the idea or perception that senior authorities of the Nayarit Public Prosecutor's Office, the Police and the Government of Nayarit, who were still in office in the months of June to September 2017, had of these persons: a civilian population that needed to be eliminated in order to maintain their territorial control over drug trafficking in the State. This is the common characteristic that unites and links the at least 47 people who were forcibly disappeared between June and September 2017 in Nayarit.²⁸⁹

This is further suggested by the fact that the political group to which the authorities who carried out the enforced disappearances from June 2017 belonged had lost the elections on 4 June 2017, and therefore were seeking to maintain a territorial control over drug trafficking in the State of Nayarit, which they had developed and consolidated since the year 2011. Hence the need for these authorities, who were still in office from June to September 2017, to eliminate, by means of enforced disappearance, all the people they considered or perceived as necessary to remove in order to maintain their territorial control over drug trafficking in the State.

c. Pursuant to or in furtherance of a State or organisational policy to commit such attack

According to Article 7(2)(a) of the Statute, the course of conduct involving the multiple commission of acts referred to in paragraph 1 of the Article must be "pursuant to or in furtherance of a State or organisational policy to commit such an attack", thus requiring a link to be established between the attack and the policy.²⁹⁰ The Chambers of the ICC have noted that, within the meaning of this article, the term "policy" refers "essentially to the fact that a State or organisation intends to carry out an attack against a civilian population, whether through action or deliberate failure to take action".²⁹¹ While "policy" does not preclude a design adopted by a State or organisation with regard to a certain population in a given geopolitical situation, the Statute does not require that a "formal design" exists, i.e. the policy need not to be formalised.²⁹² What is required is that the policy targets a particular civilian population or a part thereof.²⁹³ Evidence of the existence of the "policy" can be inferred from a variety of factors which, taken together, establish that the policy existed.²⁹⁴ Such factors include: (i) that the attack was planned, directed or organised; (ii) a recurrent pattern of violence; (iii) the use of public or private resources to further the policy; (iv) the involvement of the State or organisational forces in the commission of the crimes; (v) statements, instructions or documentation attributable to the State or organisation condoning or encouraging the commission of the crimes; and/or (vi) an underlying motivation.²⁹⁵ Moreover, the State

288. See Annexes D1 to D26.

289. See Annexes D1 to D26.

290. Trial Chamber VI, Prosecutor v Bosco Ntaganda, Judgment, 8 July 2019, ICC-01/04-02/06, para. 673.

291. Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1108. Elements of crimes. Article 7. Crimes against humanity, Paragraph 3: "It is understood that "policy to commit such attack" requires that the State or organisation actively promote or encourage such an attack against a civilian population". The Elements of Crimes further specify that the policy which has a civilian population as the object of the attack "would be implemented by State or organisational action. Such a policy may, in exceptional circumstances, be implemented by a deliberate failure to take action, which is consciously aimed at encouraging such attack. The existence of such a policy cannot be inferred solely from the absence of governmental or organisational action". Elements of Crimes. Article 7. Crimes against humanity, Paragraph 3, endnote 6.

292. Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08, para. 160.

293. Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1108.

294. Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08, para. 160.

295. Trial Chamber VI, Prosecutor v Bosco Ntaganda, Judgment, 8 July 2019, ICC-01/04-02/06, para. 674; Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08, para. 160; Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1109.

or organisational policy may become clear to the perpetrators, as regards its modalities, only in the course of its implementation, such that definition of the overall policy is possible only in retrospect, once the acts have been committed and in the light of the overall operation or course of conduct pursued.²⁹⁶

In relation to a State policy to commit an attack, the Chambers of the ICC have also noted that the policy does not necessarily need to have been conceived “at the highest level of the State machinery”. A policy adopted by regional or even local organs of the State could satisfy the requirement of a State policy.²⁹⁷

In this report we refer to a State policy to commit an attack against a civilian population or the furtherance of such a policy, specifically designed and carried out by authorities of the Nayarit Public Prosecutor’s Office, the Nayarit Police Force and the Nayarit Governor’s Office. These are high-ranking regional authorities in Mexico and, thus, if the existence of such a policy were proven, the requirement of a State “policy” would be satisfied.

With regard to the at least 47 cases of enforced disappearance that occurred during the 26 events that took place between June and September 2017 in Nayarit, and in particular in its capital, Tepic, and in towns nearby, the existence of a State policy can be inferred from several factors taken together. Among these factors, which are evident in the 26 events documented in the report, are: (i) the existence of an attack against a civilian population that was planned, directed and organised; (ii) the use of public resources to further the policy; (iii) the involvement of the State and its security forces in the commission of the at least 47 cases of enforced disappearance; and (iv) an underlying motivation - that of maintaining territorial control over drug trafficking in the State of Nayarit. Given these factors, while there is currently no direct evidence available of the existence of a plan formally designed or adopted by the Nayarit government authorities, it is possible to infer the existence of a State policy to carry out this attack.

As explained in relation to the “course of conduct involving the multiple commission of acts referred to in Article 7(1) of the Statute”, the 26 events that occurred in Tepic and in towns around Tepic between June and September 2017, could not have taken place, in the regular, continuous, coordinated and efficient manner in which they were executed, if they had not been the result of an operation planned, directed and organised by the Nayarit Public Prosecutor’s Office, the Nayarit Police and the Nayarit Governor’s Office. In this regard, it should also be noted that, following the disappearances, the authorities from the Nayarit Public Prosecutor’s Office refused to carry out investigations and – in some cases – even hindered or obstructed the search for clandestine graves. Of the 47 victims identified, 18 of them form part of an urgent action procedure of the Committee on Enforced Disappearances (CED), which has recognised that there are “serious obstacles in Nayarit that impede effective, exhaustive, independent and transparent investigations of cases of enforced disappearance by the Public Prosecutor’s Office of Nayarit”.²⁹⁸ In addition to the factors outlined in the course of conduct element, the systematic failure of the Public Prosecutor’s Office to investigate cases of disappearances that occurred between June and September 2017 suggests the existence of an attack against a civilian population that was planned, directed and organised.

The existence of this operation, in which at least 47 people were searched and taken from their homes, workplaces, friends’ or relatives’ houses or detained on public streets, in different neighbourhoods of Tepic or nearby towns, at different times of the day and in a period of less than four months, suggests that there was a pre-planned attack, designed in June 2017 after the political party to which the senior authorities of the Governor’s Office, the Nayarit Public Prosecutor’s Office and the Police Force of Nayarit belonged lost the elections. This attack was directed and organised by these authorities, who remained in office from June to September 2017, and therefore still controlled the Public Prosecutor’s Office, the Police Force and the Governor’s Office of the State of Nayarit.

In addition, the 26 events were carried out with the open use of public resources, with the aim of fulfilling a State policy of committing an attack against a civilian population in Nayarit. These included human resources (participation by members of the Nayarit Public Prosecutor’s Office and Nayarit Police Force, including, in certain cases, high-ranking officials); facilities of the Nayarit Public Prosecutor’s Office (where individuals were interrogated and detained); vehicles (white vans belonging to the Nayarit Public Prosecutor’s Office, Nayarit Police motorbikes, and other vehicles); official government clothing

296. Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1110.

297. Pre-Trial Chamber III, Corrigendum to “Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d’Ivoire”, 15 November 2011, ICC-02/11, para. 45.

298. Annex K – Response from the CED.

(including Nayarit Police Force uniforms and helmets, uniforms with the Mexican flag, Nayarit Public Prosecutor's Office uniforms, and brown uniforms with the "Investigation Agency" logo); and various firearms or weapons. In each of the 26 events, according to witnesses, the State and its security forces were involved. In all 26 events, witnesses expressly recognised the involvement of the Nayarit Public Prosecutor's Office; vehicles of the Nayarit Public Prosecutor's Office or the Nayarit Police Force; or the presence of State Police motorbikes. The at least 47 persons who were forcibly disappeared were loaded onto vehicles of State entities and thereafter no information was ever provided on their whereabouts. In at least five of the 26 events, witnesses further indicated that the armed men who abducted the persons who were forcibly disappeared were wearing uniforms of the Nayarit Public Prosecutor's Office or uniforms of the Nayarit Police Force. Also, in at least six of the 26 events, witnesses identified commanders or officials of the Nayarit Public Prosecutor's Office or police commanders in the vehicles, and in at least two of the 26 events, the armed men identified themselves to the witnesses as police officers.²⁹⁹



Hooded officers on top a vehicle of the Nayarit police. © Nayarit.tv / NNC

Finally, as already explained in relation to the course of conduct "directed against a civilian population" element, the planning, organisation and direction of the operation targeted against a civilian population, manifested in the enforced disappearance of at least 47 persons between the months of June to September 2017, had an underlying motivation: that of senior authorities of the Nayarit Public Prosecutor's Office, the Nayarit Police Force and the Governor's Office of Nayarit to maintain, after having lost the elections in June 2017, territorial control over drug trafficking in the State.

These four factors, taken together, support a well-founded and consistent inference that the attack against a civilian population, implemented between June and September 2017 in Nayarit by senior authorities of the Nayarit Public Prosecutor's Office, the Nayarit Police Force and the Nayarit Governor's Office, was carried out pursuant to or in furtherance of a State policy to commit such an attack.

299. See Annexes D1 to D26.

2. A widespread or systematic attack

Having established, in relation to the at least 47 cases of enforced disappearance that occurred during the 26 events that took place between June and September 2017 in Nayarit, the existence of “an attack directed against a civilian population”, within the meaning of Article 7(2)(a) of the Statute, it is now necessary to analyse the characterisation of the attack by determining, in accordance with Article 7(1), whether the attack was widespread or systematic.

The attack directed against a civilian population must be “widespread or systematic”. This implies “that the acts of violence are not spontaneous or isolated”.³⁰⁰ It is generally recognised by the Chambers of the ICC that the adjective “widespread” means that the attack “is large-scale in nature and targeted at a large number of persons”, whereas the adjective “systematic” reflects “the organised nature of the acts of violence and the improbability of their random occurrence”.³⁰¹ The “systematic” character of the attack also refers to the existence of a *pattern of crimes*, evidenced by non-accidental repetition of similar criminal conduct on a regular basis.³⁰² In this regard, in considering the systematic character of the attack, we can assess whether: (i) identical acts took place or similarities in criminal practices can be identified; (ii) the same *modus operandi* was used; or (iii) victims were treated in a similar manner across a wide geographical area.³⁰³

In each of the 26 events documented in this report, according to witnesses, agents of the Nayarit Public Prosecutor’s Office or the Nayarit Police Force arrived at the places where each of the at least 47 persons who were forcibly disappeared between June and September 2017 were found, these places being the person’s home or workplace or the home of friends or relatives or public streets. In each case the State agents arrived at these locations in vehicles of the Nayarit Public Prosecutor’s Office or the Nayarit Police Force, armed, asking for the person or persons they were looking for. In each case, the victims were forcibly removed from their place of residence or work or from the place where they were staying and immediately loaded by force onto the vehicles of the State agencies. Further, almost all the detentions were carried out with weapons or the use of violence, including beatings. After being loaded onto the vehicles of the Nayarit Public Prosecutor’s Office or the Nayarit Police Force, the persons disappeared and their relatives never heard from them again.³⁰⁴ Furthermore, it is worth noting that 24 victims were found in the same clandestine graves as other victims, and all the graves were located in the municipality of Xalisco, Nayarit.³⁰⁵ Finally, the selection of the victims has a common element, as they were all, in one way or another, perceived as being necessary to eliminate in order to carry out the perpetrators’ objective of maintaining territorial control over drug trafficking in the State.

These elements demonstrate that the 26 events occurred in an organised and coordinated manner and followed a *modus operandi* that was repeated in all events, which shows that there was a clear pattern in the commission of the crimes, with all 47 victims sharing common denominators and treated in a similar way during their disappearance. The manner in which the 26 events occurred between the months of June to September 2017, in which at least 47 people were forcibly disappeared, clearly shows that the attack directed by the officials of the Governor’s Office, the Public Prosecutor’s Office and the Police Force of Nayarit against a civilian population of Nayarit inhabitants, with the aim of maintaining territorial control over drug trafficking in the State, was a systematic attack. The disjunctive language of Article 7(1) of the Statute requires that the acts contemplated by this article be committed as part of a widespread or systematic attack against a civilian population and, therefore, it is not necessary for the attack to have both of these characteristics.³⁰⁶

300. Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1123.

301. Trial Chamber VI, Prosecutor v Bosco Ntaganda, Judgment, 8 July 2019, ICC-01/04-02/06, para. 691 and 692; Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1123.

302. Trial Chamber VI, Prosecutor v Bosco Ntaganda, Judgment, 8 July 2019, ICC-01/04-02/06, para. 692; Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1124.

303. Trial Chamber VI, Prosecutor v Bosco Ntaganda, Judgment, 8 July 2019, ICC-01/04-02/06, para. 693.

304. See Annexes D1 to D26.

305. Indeed, of the 25 victims found in unmarked graves, only one does not appear in a grave next to another victim described in this document. See Annex M – Findings of clandestine graves and identified human remains.

306. Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1162.

3. Nexus between the individual acts and the attack

The individual acts must be committed as part of a systematic or widespread attack. The determination of whether an act under Article 7(1) of the Statute is part of a systematic or widespread attack requires consideration of the attack as a whole and also of its individual components, taking into account the nature of the act, the aims it pursues and the consequences it occasions.³⁰⁷ Isolated acts that clearly differ in their nature, objectives and consequences from other acts that form part of an attack fall outside the scope of Article 7(1) of the Statute.³⁰⁸

During the 26 events that occurred between June and September 2017 in Nayarit documented in this report, at least 47 acts of enforced disappearance were committed. These at least 47 enforced disappearances took place during events that followed one after the other, in a period of less than four continuous months and in the same clearly defined geographical area of Tepic and nearby towns. In addition, the at least 47 enforced disappearances were committed by perpetrators belonging to the same group, persons identified by witnesses as members of the Nayarit Public Prosecutor's Office or the Nayarit Police Force. Thus, each of the 47 enforced disappearances was committed as part of a systematic attack against the group of civilians identified by the senior authorities of the Nayarit Public Prosecutor's Office, the Nayarit Police Force and the Nayarit Governor's Office, who were still in office from June to September 2017, as persons to be eliminated in order to achieve the objective of maintaining territorial control over drug trafficking in the State.

307. Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08, para. 165; Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1124.

308. Trial Chamber III, Prosecutor v Jean-Pierre Bemba Gombo, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08, para. 165; Trial Chamber II, Prosecutor v Germain Katanga, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1124.

VIII. Conclusion

The manner in which the 26 events documented in this report occurred in Nayarit, particularly in Tepic and nearby towns, between June and September of 2017, gives grounds to consider, on a reasonable basis, that these events formed part of a systematic attack against a civilian population which would amount to crimes against humanity falling within the jurisdiction of the ICC. So far, no direct perpetrators or other parties bearing responsibility have been criminally charged for these crimes.

IX. Recommendations

The signatory organisations of this report consider that it is imperative that both the Mexican government and the Office of the Prosecutor of the ICC investigate the possible commission of crimes against humanity in the State of Nayarit, which would contribute positively to the fight against impunity in Mexico.

1) Therefore, we urge the Mexican State, including the judiciary, to:

- Recognize the existence of crimes against humanity in Nayarit and investigate the individual responsibility of former governor Sandoval Castañeda, former Prosecutor Edgar Veytia, and other members of the criminal structure;
- transfer the cases of enforced disappearance that occurred in Nayarit during the period identified in this report to the FGR;
- and analyse the context of violence in Nayarit to identify patterns and chains of command in cases of grave crimes.

2) To the government of the State of Nayarit, including its newly elected Governor:

- Establish a dialogue with relatives of victims of enforced disappearance, to identify their needs and incorporate their proposals for improving the State's system of victim assistance and support;
- create reforms, vis-à-vis a dialogue with relatives of victims, designed to avoid the continued occurrence of enforced disappearances in Nayarit;
- investigate all cases of enforced disappearance that have occurred in that State, independently and efficiently;
- and identify all bodies that have been found in clandestine graves in Nayarit, as well as carry out new excavations of possible graves.

3) To the Office of the Prosecutor of the ICC: open a preliminary examination on Mexico, which would contribute to the investigation of patterns of systematic and widespread violence in the country, as well as provide a new space of justice for victims of crimes against humanity committed in Mexico.

X. Executive Summary

This report was prepared by the International Federation for Human Rights (FIDH) and IDHEAS, Litigio Estratégico en Derechos Humanos (IDHEAS). The full report with annexes and confidential information was submitted to the Office of the Prosecutor of the International Criminal Court (ICC), requesting that it open a preliminary examination on the situation in Mexico.

This report details why there is a reasonable basis to assert that the crime against humanity of enforced disappearance, within the jurisdiction of the ICC, was committed in the State of Nayarit between June and September 2017, as part of a systematic attack against a civilian population of that State.

According to the information available for the elaboration of this report, the persons implicated in the commission of the crimes of enforced disappearance were public officials linked mainly to the Public Prosecutor's Office of the State of Nayarit, the Nayarit Police and the Governor's Office of the State of Nayarit. These persons were part of a criminal structure set up within the Public Prosecutor's Office.

Methodology

The document is based on the analysis of 26 cases corresponding to a total of 47 victims of enforced disappearance. For more than a year, FIDH and IDHEAS conducted interviews with relatives of 71 disappeared persons in Nayarit.

In addition to interviews with family members, the document is based on evidentiary material from family members; public records; open sources, such as press reports; information about the clandestine mass graves found in Nayarit, with over 140 bodies; and the public records of the criminal case against former Nayarit Public Prosecutor, Edgar Veytia Cambero, from the Eastern District Court of New York, as well as the sanctions against Roberto Sandoval Castañeda, who was detained in Mexico on 6 June 2021.

Context

During the period from September 2011 to September 2017, the State of Nayarit was governed by Roberto Sandoval Cañeda, who nominated Edgar Veytia Cambero as Public Prosecutor of Nayarit. Together, Sandoval and Veytia created a criminal structure within the Public Prosecutor's Office of Nayarit, through which numerous crimes were committed, including murder, torture, property theft, threats, extortion and enforced disappearances. For seven years, members of this criminal structure pursued their own illicit enrichment, through the exploitation and abuse of resources of the State of Nayarit and its inhabitants.

From its inception in 2011, this criminal group created within the Public Prosecutor's Office sold out to various drug cartels, including the Beltrán Leyva (and its Nayarit cell, the Hs); the Zetas; and the Jalisco Cartel New Generation Cartel (CJNG). The criminal structure within the Public Prosecutor's Office supported drug cartels in various ways: by releasing cartel members after they had been arrested for drug trafficking, by instructing Mexican officials to attack rival drug traffickers, and by making the human and material resources of the Nayarit Police available to the cartels. In return, Veytia and Sandoval received bribes from cartels during their six years in power.

In addition to the bribes received from various drug cartels between 2011 and 2017, the criminal structure formed within the Public Prosecutor's Office of Nayarit enriched itself by means of the property theft and extortion of hundreds of Nayarit residents of their homes, ranches, businesses, warehouses, land and money. In order to carry out these property thefts and extortions, Nayarit State officials threatened individuals who owned property of interest to the criminal group within the Nayarit Public Prosecutor's Office and the Nayarit Governor's Office, who were then kidnapped and, in some cases, subjected to arbitrary detention for several days. Among the detainees, some of the owners suffered torture or cruel treatment. Finally, the victims were forced to hand over their property under threat.

In March 2017 the criminality of the group operating within the Nayarit Public Prosecutor's Office was exposed, when Edgar Veytia was arrested in San Diego, California by U.S. authorities acting on an arrest warrant accusing the former prosecutor of participating in drug trafficking between January 2013 and February 2017. Two years after his apprehension, Veytia was sentenced to 20 years in prison and ordered to pay one million dollars, after pleading guilty to participating in an international conspiracy to manufacture and distribute heroin, cocaine, methamphetamine and marijuana, responsible for importing drugs from Mexico to the United States. Roberto Sandoval is currently detained in Mexico, accused of receiving funds from illicit sources.

Enforced disappearances as crimes against humanity

Mexico ratified the Rome Statute on 28 October 2005. Therefore, the ICC has material and temporal jurisdiction over crimes committed on Mexican territory or by Mexican nationals after 1 January 2006, in accordance with articles 11 and 126 of the Rome Statute.

The report describes and analyses why there are reasonable grounds to believe that members of the Nayarit Public Prosecutor's Office, together with other State entities, committed the crime of enforced disappearance of at least 47 persons between June and September 2017. While the report focuses on 47 cases of enforced disappearance, these occur in a context of between 120 and 300 enforced disappearances committed in Nayarit between 2017 and 2018 or 2019. Based on the available information, described in the report, there is a reasonable basis to assert that these 47 cases of enforced disappearance were part of a systematic attack against a civilian population in Nayarit and could thus constitute crimes against humanity.

In terms of their characteristics, all the victims of enforced disappearance lived in the capital of Tepic or in nearby municipalities. They were in their majority a group of young men, most of them between 23 and 30 years old. They all lived in poor neighbourhoods in and around Tepic and most of them were employed in jobs such as those of a mechanic, welder or carpenter. The cases described in the report occur between June and September 2017, which corresponds to the last four months in office of former governor Roberto Sandoval, whose party had lost the elections in June of the same year. Based on the information and evidence available, the report claims on reasonable grounds that this attack was an attempt, during the last months of the Sandoval administration and his close circle, to maintain territorial control over drug trafficking in the State of Nayarit.

All 47 cases of enforced disappearance described in the report follow the same pattern or *modus operandi*, which demonstrates that these events of enforced disappearance were probably not isolated or random acts, but rather followed a systematic pattern. Indeed, each of the 47 victims was abducted in vehicle belonging government security forces, with the use of force or weapons, in an urban area of Nayarit, after which their relatives received no news of their whereabouts.

In the 47 disappearances described in the report, according to the evidence available, Nayarit State officials are involved, or the acts are carried out with the open use of State government resources, such as vehicles that witnesses identify as belonging to the Public Prosecutor's Office, firearms and uniforms, including Nayarit Police uniforms. Moreover, many of the persons carrying out the kidnapping were hooded, a common mode of action by the Nayarit Police during the administration of former Governor Sandoval.

After each act of enforced disappearance, the Nayarit Public Prosecutor's Office fails to carry out an impartial and efficient investigation, despite the fact that almost all relatives report the facts shortly thereafter. In response to this indifference and even obstruction of justice by officials of the Nayarit Public Prosecutor's Office, relatives of disappeared persons begin to search for the victims on their own. Of the 47 victims of enforced disappearance described in the report, more than half were found, lifeless, in clandestine graves discovered in the State of Nayarit.

So far, there are no former officials of the Nayarit State government charged or convicted for the acts of enforced disappearance that took place between June and September 2017. Moreover, according to the information available, certain members of the criminal structure are possibly still present in the Nayarit Public Prosecutor's Office or the State Government of Nayarit to this day.



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Director of publication:

Alice Mogwe

Editor in chief:

Éléonore Morel

Authors:

FIDH

IDHEAS

Design:

FIDH/CB

i(dh)eas

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info@idheas.org - www.idheas.org

fidh

CONTACT

FIDH

17, passage de la Main d'Or

75011 Paris - France

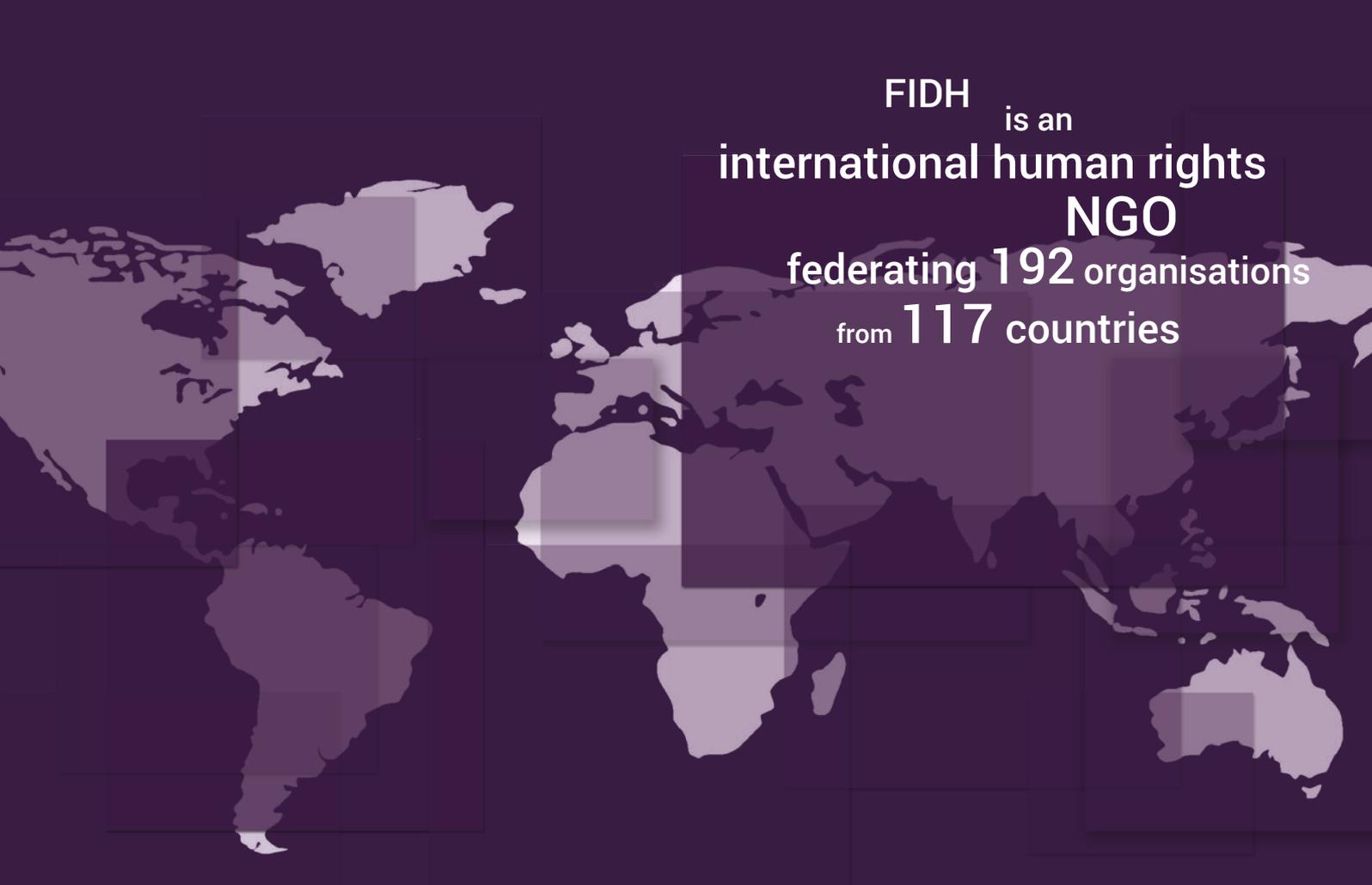
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