

The Global Observatory of Transnational Criminal Networks

Firearms Trafficking: Mexico – United States border

No. 16

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Firearms Trafficking: Mexico-United States

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Disclaimer

The facts and the analysis presented herein are sustained in documents and interviews exposed in mass media and judicial records related to the criminal networks analyzed. No primary information uncovering facts has been gathered, which means that only secondary sources were consulted, from legal to media documents. In the case of the names mentioned, quoted or referenced on indictments —with the exception of those specifically mentioned, quoted or referenced in the text as definitively condemned-, the presumption of innocence, in observance of individual rights is always preserved.

The judicial truth is the jurisdiction of the courts, which by law will decide whether the defendants are innocent or guilty.¹ It is stated that belonging to, participating in, being connected to, or appearing on a network, as analyzed herein, does not imply having committed a criminal act or being engaged in a criminal enterprise. It is always possible to belong, participate, be connected, or appear on a network as an agent promoting interests that are socially and institutionally beneficial, or as a result of coercion, among other reasons unrelated to criminal acts committed by the agent.

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Introduction

“Firearms trafficking” is defined by The Firearms Protocol as: “*the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components, and ammunition from or across the territory of one State Party to that of another State Party if any one of the States Parties concerned does not authorize it in accordance with the terms of the Protocol*”.¹ Bearing this in mind, the aim of this paper is to explain the global scale operation of firearms trafficking. The document conveys information about (i) the process of diversion of firearms, (ii) the actors usually involved in the illicit trade of guns, and (iii) the links of firearms trafficking with criminal networks. In the second part of the document these elements are explicit in the exposition of the Mexico-USA border situation of firearms trafficking, currently one of the most relevant hotspots for this criminal activity.

1. Diversion and *Modus Operandi*

As a preventative measure to minimize trafficking, The Firearms Protocol states in the article 3 (d) that the manufacturing of firearms should be authorized by governments, which means that any unauthorized manufacturing is illicit and, therefore, interpreted as trafficking.² However, many firearms that are illegally distributed are manufactured without authorization in clandestine factories. For instance, in June 2014, the police in Sydney, Australia, uncovered a homemade gun factory (especially of .22 rifle replicas).³ A year later, in June 2015, a clandestine gun factory was shut down too in Pampanga, Philippines, suspected of the illegal fabrication of homemade caliber .22 pen guns.⁴

Also, according to the United Nations Office on Drugs and Crime (UNODC), it is common that the country of manufacture is the same country where the seizure takes place; therefore, there is no transnational movement of the arms in those cases. For instance, between 2010

¹ Protocol Against The Illicit Manufacturing Of And Trafficking In Firearms, Their Parts And Components And Ammunition, Supplementing The United Nation Convention Against Transnational Organized Crime. Available in: <https://goo.gl/2ocbBF>

² UNODC (2015) Study on Firearms. Available in: <https://goo.gl/b5Q4aU>

³ The Sydney Morning Herald (2014) Homemade gun factory shutdown by police in Sydney's south-west. Available in: <https://goo.gl/pySQra>

⁴ Angeles City Voice (2015) Underground Factory Raided. Available in: <https://goo.gl/XdIXRT>

and 2013, Brazil, Czech Republic and Spain, reported that 95% of the seized trafficked firearms were domestically manufactured.⁵

Furthermore, in other cases, when there is a large-scale number of illicit guns seized, the manufacture is usually traceable to big firms and companies that lead the authorized gun market. The process in which a legal firearm moves to the illicit realm (either physical, administrative or otherwise) is known as “Diversión”.⁶ Through this process large amounts of weapons fabricated by important legal brands like **Glock**, **Lockheed Martin**, and **General Dynamics**, among others, end up in the hands of criminals and traded in black markets.⁷ In this case, a legal and authorized company produces the firearms, although it doesn’t participate in the subsequent transport or trafficking.

Diversión can be executed through falsified documentation that allows transferring the firearms to destinations that has been previously unauthorized by the exporting government. For instance, the United States of America has an international policy that allows exporting guns to certain countries, while banning gun agreements with others, due to reasons related to national security.⁸ Therefore, falsified documentation is the resource used by criminals in unauthorized countries to import and obtain weapons from United States.⁹

An example of diversion happened in 2000 when the Government of Jordan sold 10,000 Kalashnikov rifles to the Government of Peru. Although the selling process was apparently legitimate on the Jordan side, it was later revealed that the Government of Peru provided falsified documents because the weapons were exchanged for cocaine with the Colombian Guerrilla *Fuerzas Armadas Revolucionarias de Colombia* (FARC). In 2006, Vladimiro Montesinos, the top intelligence advisor of Alberto Fujimori, President of Peru at that time, was sentenced to 20 years in prison after found guilty of designing and executing the operation.¹⁰

⁵ UNODC (2015) Study on Firearms. In: <https://goo.gl/yHelmq>

⁶ Ibid.

⁷ The age (2015) Government Toughens gun laws in response to shootings and armas race. Available in: <https://goo.gl/rS9puZ>

⁸ Catherine A. Theohary (2015) Conventional Arms Transfers to Developing Nations, 2007-2014. Congressional Research Service. Available in: <https://goo.gl/HfVmcr>

⁹ This, however, doesn’t mean that the firearms are produced in the United States. As discussed below, firearms trafficked across the United States are not necessarily produced inside the country.

¹⁰ El Pais (2006), Vladimiro Montesinos, condenado a 20 años por vender armas a las FARC: <https://goo.gl/zcSo8t>

The process of diversion also occurs when arms are stored, usually, through pilfering of weapons. For instance, in January 2016 three Denver (Colorado, United States) gang members were arrested (**Mychael Eitwan Thomas**, age 29, **Deondrey Brandon**, age 21, and **Jasirii Quadami Thomas**) for possession and sale of stolen weapons. Firearms included a Glock 26, a Smith & Wesson .38 caliber revolver, an AR-15, a Jimenez Arms .380 caliber handgun, and a Mac 11, among others.¹¹

International brokers or dealers make arrangements for facilitating the illicit unauthorized shipments, diversion or the cross-border trafficking of firearms. According to a criminological research conducted by the UNODC, an important source of illicit trafficking in firearms occurs on small scale and involves unsophisticated methods, such as a few handguns being smuggled across a border in a car, with a low number of actors involved. Even in this case, frequent small-scale trafficking allows moving large quantities of firearms and ammunition over time.¹²

In other cases, illicit traffickers are organized for moving large-scale shipments of arms, measured in hundreds of tons or more, passing through numerous national law enforcement agencies. Those large illicit shipments are associated with supplies to groups involved in armed conflicts or shipments to embargoed and banned destinations.¹³ As pointed out in the Small Arms Survey, these large-scale agreements are usually known or even conducted by government authorities.¹⁴

Transportation of trafficked firearms happens through land, mail, air and sea. According to seizure reported by the UNODC, land is the most frequently shipping mean, and air is the less frequent. Between 2011 and 2013, countries such as Brazil, Mexico, Burkina Faso, El Salvador, Estonia, Montenegro, Latvia, and Lithuania and Macedonia – reported that firearms were almost exclusively seized while being transported by land.¹⁵

Countries where firearms are trafficked through sea include Trinidad and Tobago and Ghana. In the former, firearms, their parts and ammunition are mostly smuggled into the country via small fishing vessels along with other items. Weapons were also smuggled into

¹¹ The United States Attorney Office (2016) Three Self-Admitted Denver Gang Members Arrested by ATF for FireArms Trafficking. Available in: <https://goo.gl/aiOB5P>

¹² UNODC (2015) Study on Firearms. Available in: <https://goo.gl/W9NH8z>

¹³ Ibid.

¹⁴ Small Arms Survey. Illicit Traffic, Available in: <https://goo.gl/cfYgwK>

¹⁵ UNODC (2015) Study on Firearms. Available in: <https://goo.gl/o4q3rD>

Trinidad y Tobago through commercial air and seaports, concealed in household appliances.

In the case of, most traffickers conceal their arms in compartments of vehicles imported into the country. Furthermore, local authorities in Ghana report that some seized firearms were concealed in shipped consignments, in sacks of cola nuts, and in a soft drink truck with a hidden compartment.¹⁶

In general, the *modus operandi* of transnational trafficking networks involved in this market include: (i) Firearms arrive in receiving country as “undeclared”, or under fake documentation; (ii) firearms are dismantled into pieces or included among other goods legally imported or exported in containers; and (iii) firearms are thrown from vessels and boats, among others. at pre-arranged areas where the loads are later picked up and transported.¹⁷

Criminal gangs mainly dedicated to illicit trade in firearms can be located in unrelated countries, such as Estonia and Brazil. These gangs operate transnationally and involve actors in various regions worldwide. However, although the countries where the trafficking originates are dissimilar, the main customers or purchasers of the trafficked guns are located in criminal hotspots where people and gangs participate in other types of criminal or violent activities.¹⁸

Although there are criminal groups focused in gunrunning, the market of trafficked firearms is intrinsically related to other illicit activities and armed conflicts. For instance, in criminal markets such as drug trafficking in Mexico or minerals trafficking in DRC, firearms are constantly trafficked and supplied to each part involved, from gangs, to militias and paramilitary groups. In fact, in those regions, agents involved in arms trafficking networks can be also interpreted as key players in the other criminal markets. In less violent countries like Spain, for instance, firearms’ trafficking is usually linked to other crimes such as drug trafficking and violent robbery. In Romania, officials reported that firearms illegally possessed through trafficking were used in incidents related to other crimes such as

¹⁶UNODC (2015) Study on Firearms. Available in: <https://goo.gl/W9NH8z>

¹⁷ UNAFEI (2000) Analysis of Current Situation of Illegal Firearms Trafficking and Human (Women, Children and Migrants) Trafficking. In: <https://goo.gl/t5Qm7S>

¹⁸ UNODC (2015) Study on Firearms. In: <https://goo.gl/W9NH8z>

poaching. Similarly, in Sweden authorities stated that trafficking in firearms has been a supplementary activity to trafficking in narcotics.¹⁹

In general, weapons are not only a profitable good, but also a tool to consolidate power and commit violent crimes, which make them a critical element for executing several other types of criminal markets. Like drug trafficking is a catalyst criminal activity worldwide due to the high level of profits it produces, firearms' trafficking is a pivotal criminal activity worldwide due to the high demand in several criminal hotspots.

Finally, as it happens with several other criminal markets, the smuggling routes are used to simultaneously traffic various banned goods, services or commodities. In Montenegro, for instance, firearms are trafficked through the same smuggling routes used to smuggle drugs, often by the same actors transporting other illegal goods or even migrants. One significant trafficking case reported in Montenegro in 2008, was the dissolution of a trafficking ring that smuggled arms and explosives from Bosnia and Herzegovina to France and the Netherlands, to exchange them for cocaine and synthetic drugs.²⁰

Since firearms are a critical resource for the operation of criminal organizations, this type of illicit trade usually boosts armed conflicts, crime and insecurity in the territories where the issue is considerable high. The implications related to firearms trafficking include high levels of domestic and transnational insecurity, and criminal violence, with relevant consequences in the economic and social spheres.²¹

2. Firearms trafficking in the USA-Mexico Border

Mexico is currently one of the countries most affected by criminal networks operating across several illicit markets. The level violence generated by these criminal networks demands an increasing number of weapons. Since in Mexico the Army is the only legal and authorized gun seller, criminals need to fabricate or import their weapons. The United States, on the other hand, has 8,827 licensed gun dealers in the southern states of Arizona, Texas, New

¹⁹ UNODC (2015) Study on Firearms. In: <https://goo.gl/W9NH8z>

²⁰ Ministry of the Interior Police (2008) International Police Cooperation Successfully Uncovers Arms Smuggling Ring- Information from Press Conference. Available in: <https://goo.gl/OagRNb>

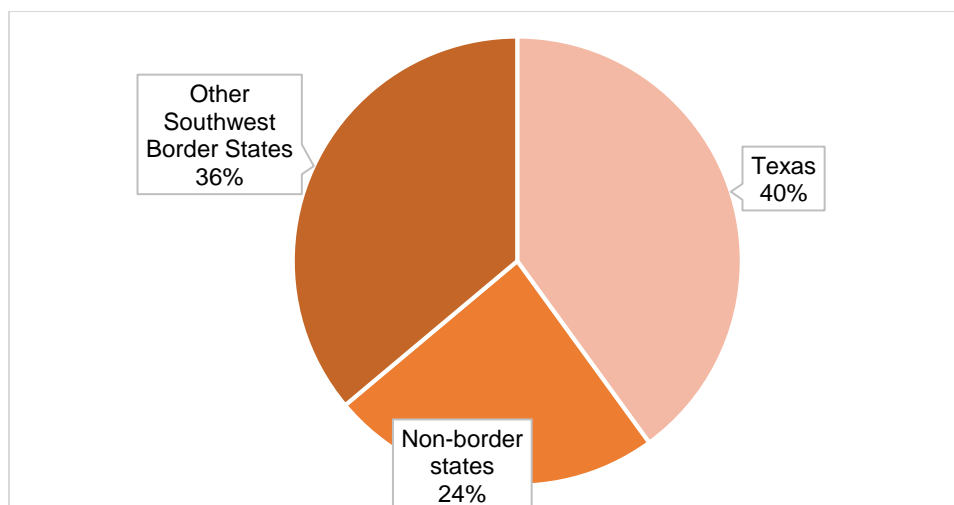
²¹ UNODC (2015) Study on Firearms. Available in: <https://goo.gl/5PbcO2>

Mexico and California alone, offering plenty of options for supplying the Mexican's criminal networks demand for guns.²²

Therefore, drug cartel violence in Mexico has been fueled by thousands of guns illegally trafficked from the United States. In fact, almost 90% of the guns recovered and identified from Mexican crime scenes can be traced to gun dealers in the United States. According to the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), between 2006 and 2009, gun dealers in Texas sold four in ten of the U.S. guns used and recovered in Mexico. On the other hand, Arizona, California, and New Mexico, three other states sharing borders with Mexico, were the source of a third of the U.S. guns (Figure 1).²³

In recent years (2010-2013), the amount of U.S. firearms trafficked to Mexico increased at significant levels. According to reports based on statistical analysis of the firearms' demand at the U.S. southwest border, between 106,700 and 426,729 firearms were purchased annually in the United States and trafficked to Mexico. Rifles such as the AK-47 and AR-15 variants account for most of the firearms trafficked to Mexico from United States during this period.

Figure 1. U.S Guns Recovered in Mexican Crimes by Source State in 2009



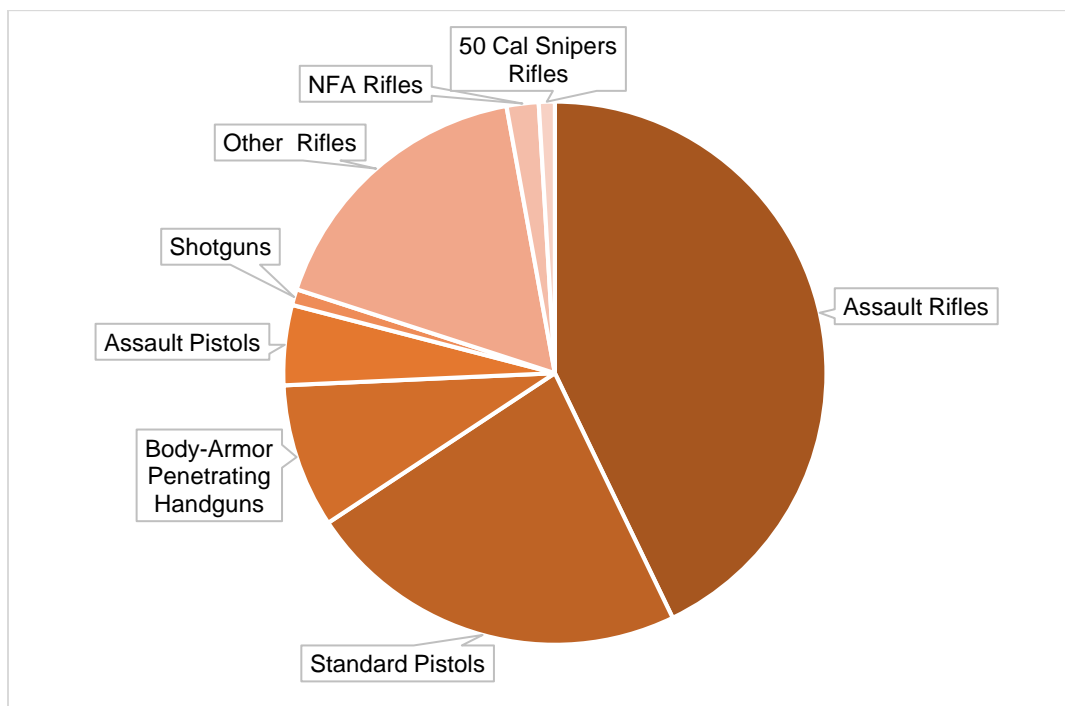
Source: Mayor Against Illegal Guns (2010) Issue Brief: The Movement of illegal Guns Across the U.S. - Mexico Border. Available in: <https://goo.gl/6ExkBz>

²² El Daily Post (2015) Legal US gunrunners are arming Mexico's cartels. In: <https://goo.gl/ruYAxP>

²³ Mayor against Illegal Guns (2010) Issue Brief: The Movement of illegal Guns Across the U.S. – Mexico Border. Available in: <https://goo.gl/vWZReM>

According to a study conducted by the Violence Policy Center, 2,518 out of 4,813 firearms seized in crime scenes in Mexico and traced to U.S. dealers, were assault-type rifles. The second and third largest categories were pistols (830) and other rifles (495) respectively. Also, U.S. prosecutions related to trafficking of U.S. firearms to Mexico include 225,423 rounds of firearms ammunition (Figure 2).²⁴In 2012 the case against Robert Jacaman involved specific allegations against a licensed U.S. gun store. The owner of **Jacaman Guns and Ammo** in Laredo, Texas, and other individuals were accused of conspiring to acquire and illegally export thousands of rounds of ammunition and high capacity magazines to Mexico, from January to July 2012.²⁵

Figure 2. Types and Quantities of U.S firearms in U.S Prosecutions related to U.S Firearms Trafficking to Mexico



Source: Colby Goodman (2013) U.S. Firearms Trafficking to Guatemala and Mexico. Woodrow Wilson Center Update On the Americas. Available in: <https://goo.gl/PjCh46>

²⁴ Colby Goodman (2013) U.S. Firearms Trafficking to Guatemala and Mexico. Woodrow Wilson Center Update On the Americas. Available in: <https://goo.gl/M1uEsX>

²⁵ The United States Attorney Office (2014) Jacaman Sentenced. Available in: <https://goo.gl/pgY1Km>

The corridors and methods used for trafficking weapons across the US-Mexico Border are the same used for trafficking illegal narcotics from Mexico to United States, with a higher flow in the north-south routes.

The smuggled weapons are usually hidden in storage containers in trucks and passenger vehicles traveling to Mexico.²⁶ Also, evidence suggests that weapons can arrive to other Latin American countries after passing the U.S-Mexico border, such as Guatemala, Nicaragua and Honduras.²⁷ Since criminal violence associated to drug trafficking has escalated in these countries during the last decade, the number of arms trafficked towards those countries has also increased.

According to the Mexican annual report elaborated by the Mexican Attorney General Office²⁸, 60% of the weapons confiscated in Mexico are mainly seized in the states of Tamaulipas, Guerrero, and Jalisco, involving members of criminal networks such as **Los Rojos, Jalisco Cartel – New Generation (CJNG), Los Zetas, the Pacific Cartel, and the Knights Templar.**

Bearing in mind the high levels of corruption registered in Mexico, evidence also suggests the potential involvement of active or retired law enforcers in this criminal market, in Mexico. For instance, in December 2009, Emilio Guzman Montejo, a Chief Supervisor at the special Banking and Industrial Police Unit of the Morelos State,²⁹ was arrested and charged for possession of 41 assault rifles, 6,700 rounds of ammunition, seven silencers and an assortment of handguns (supplied by “X Caliber” gun store, from Arizona), telescopes, radios and small amounts of illegal drugs.³⁰ According to Mexican authorities, Emilio Guzman was part of the “Beltran Leyva” criminal organization.³¹

This, however, doesn’t mean that the guns smuggled from the United States to Mexico are necessarily fabricated in the United States. Although the United States is one of the leading gun manufacturers in the world, it is also one of the largest importers. According to the Bureau of Alcohol, Tobacco and Firearms (ATF), 287,544 firearms were exported in 2012,

²⁶ Dudley, Steven (2011) How Guns Are Trafficked Below the Border. Available in: <https://goo.gl/xaUdwE>

²⁷ WOLA –VPC (2015) Gun-running nation: How Foreign-Made Assault Weapons Are Trafficked from the United States to Mexico and What to Do About It. In: <https://goo.gl/1yDD0v>

²⁸ Procuraduría General de la República, PGR.

²⁹ *Policía Industrial, Bancaria y Auxiliar* (PIBA), Morelos State, Mexico.

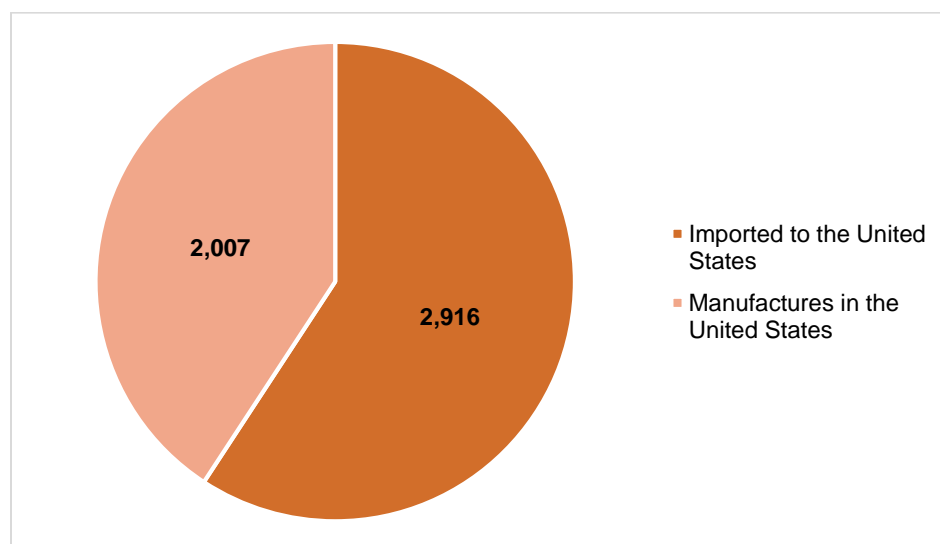
³⁰ Dudley, Steven (2011) How Guns are Trafficked Below the Border. Available in: <https://goo.gl/LyHb8e>

³¹ La razón (2009) Cae mando ligado a “jefe de jefes” In: <http://razon.com.mx/spip.php?article18675>

while 4.8 million were imported, primarily from Brazil, Austria, Germany, Italy, Croatia, Turkey and Canada.³² According to the Violence Policy Center (VPC), fifty-nine percent of the firearms identified in 138 court cases were first imported into the United States and the remaining 41 percent were manufactured in the United States.³³ The ATF also confirms that approximately a quarter of the firearms that Mexicans buy from U.S. sources were first imported by the United States and then sold for being used in Mexico and other Latin American countries (Figure 3). In this sense, the United States is a source of guns smuggled to Mexico, but it also works as a hub for imported guns.

Also, according to reports by the ATF and WOLA VPC, at least 25 percent of guns transported from the United States to Mexico were manufactured in Eastern Europe countries. Mexican criminal networks are usually interested in acquiring inexpensive, powerful, and reliable AK-47 variants such as the WASR-10, weapons that are mostly imported from Bulgaria and Romania.³⁴

Figure 3. VPC: Firearms Mentioned in United States Court Records Involving trafficking to Latin America, 2008-2014



Source: WOLA -VPC (2015) Gun-running nation: How Foreign-Made Assault Weapons are Trafficked from the United States to Mexico and What to Do About It. Available in: <https://goo.gl/aM530V>

³² Journalist Resource (2015) Estimating firearms trafficking across the U.S. -Mexico border. Available in: <https://goo.gl/jsb2O3>

³³ WOLA -VPC (2015) Gun-running nation: How Foreign-Made Assault Weapons are trafficked from the United States to Mexico and What to Do About It. Available in: <https://goo.gl/aM530V>

³⁴ El Daily Post (2015) Legal U.S gunrunners are arming Mexico's cartels. Available in: <https://goo.gl/F7u1fH>

The “Gun Control Act” or “National Firearms Act” of the United States regulates the entry of foreign arms potentially destined to traffic. However, since the Act doesn’t cover kits, castings and flats, transfers of those items are not regulated. Those items have no serial numbers and usually no markings; therefore, firearms assembled with these parts are untraceable. The assembly of the weapons can take place in the United States before being smuggled to Mexico. However, it has been recently reported that Mexican criminal networks also buy gun parts directly, presumably from Austria.³⁵

Conclusions

Trafficking of guns happens when (i) guns manufactured in clandestine factories are traded, or (ii) guns legally produced are sold to banned countries or criminal actors. In the latter case, weapons manufactured by legal brands like Glock, Lockheed Martin and General Dynamics, among others, are acquired and used by criminal networks through diversion, the process in which a legally produced firearm moves to the illicit realm through a physical or administrative procedure. Therefore, trafficking of firearms usually involves the transportation of legally produced firearms, their component or ammunitions, through air, land, sea or mail, using falsified documentation.

The trafficking of firearms is intrinsically related to other criminal activities, from drug trafficking in the Western Hemisphere to small wars across Africa; therefore, trafficked weapons are usually a secondary activity of criminal networks specialized in other crimes and trafficking activities. Minerals trafficking across the DRC, Rwanda and Burundi, or drug trafficking across Central America and the United States, are two criminal markets with a high demand of trafficked firearms; therefore, routes and criminal agents operating in those regions tend to overlap with firearms trafficking. In fact, trafficking of firearms can be understood as a pivotal and critical resource facilitating criminal markets in the mentioned regions.

Specifically, drug cartel violence across Mexico, Salvador and Honduras has been fueled, partly, by thousands of guns illegally trafficked from the United States. In fact, almost 90%

³⁵ Bryan Schatz(2016) How a Loophole in US Law Helps Drug Cartels Sneak Guns Into Mexico. Mother Jones, Available in: <https://goo.gl/dBJL57>

of guns recovered and identified in Mexican crime scenes can be traced to gun dealers in the United States. The corridors and methods used for trafficking weapons from the United States to Mexico, are usually the same used for narcotics. This, however, doesn't mean that all the arms trafficked from the United States to Mexico are entirely manufactured in the United States, since some of those firearms were previously imported, mainly from Eastern Europe countries such as Bulgaria and Rumania. In other cases, firearms used in Mexico are directly imported from countries located in Eastern Europa and the Middle East.

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