

Malaysian energy company arraigned in a Mexican criminal court

The general counsel of Coastal Energy Solutions, PTE, has been arraigned for a criminal court appearance on April 10

HOUSTON, TX, UNITED STATES, April 3, 2023 /EINPresswire.com/ -- The energy policies of the



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Mexican government led by President Andrés Manuel López Obrador have favored state-owned oil and power companies at the expense of private investors. The president insists that changes are needed to strengthen Mexico's "energy sovereignty." In response, [investors have complained](#) to their respective governments that their rights under trade agreements have been violated.

Investors have also made use of a uniquely Mexican law known as the "Ley de Amparo," which provides a recourse by which a party may ask a court to suspend an action by a public authority that it deems improperly taken. The party need not be a private investor. Mexican politics are currently roiled by a request by the Federal Elections Commission for an amparo (meaning shelter or protection) to the Supreme Court on account of a law passed by Congress that the commission deems unconstitutional.

That same law classifies as a criminal offense the misrepresentation of material facts in an amparo claim.

This background is needed to put into focus the arraignment of the general counsel of Coastal Energy Solutions, PTE, a subsidiary of the Malaysian construction firm Coastal Contracts BHD. The general counsel has been ordered by a Federal Judge in Mexico City to appear in court on April 10 in a hearing to determine evidence provided by the federal prosecutor is sufficient to establish the grounds for a trial.

The evidence concerns misstatement of facts with the intent to defraud in an amparo claim that he made on behalf of his employer, a prominent contractor to Pemex. The prosecutor will allege that the company lawyer misrepresented facts to support the claims in a commercial dispute involving Petróleos Mexicanos (Pemex), the customer, [CIBanco](#), the fiduciary agent, TRESE, a Mexican company, a Pemex contractor, and its creditors.

"This matter exemplifies how across Mexican society, the rule of law is being challenged and defended," observes George Baker, a market and political analyst in Houston.

This proceeding is registered as Criminal Case 66/2023 at the Federal Criminal Justice Center located at Mexico City's West Penitentiary, and derives from the investigation file FED/FECOC/UEIDAPLE-CDMX/0000349/2022.

Empresa energética de Malasia procesada en un tribunal penal mexicano

Las políticas energéticas del gobierno mexicano liderado por el presidente Andrés Manuel López Obrador han favorecido a las compañías petroleras y eléctricas estatales a costa de los inversionistas privados. El presidente insiste en que se necesitan cambios para fortalecer la "soberanía energética" de México. En respuesta, los inversores se han quejado a sus respectivos gobiernos de que se han violado sus derechos en virtud de los acuerdos comerciales internacionales.

Los inversionistas también han hecho uso de una ley exclusivamente mexicana conocida como la "Ley de Amparo", que proporciona un recurso mediante el cual una parte puede solicitar a un tribunal que suspenda una acción de una autoridad pública que considere tomada indebidamente. La parte no necesita ser un inversor privado. La política mexicana se ve actualmente sacudida por una solicitud de amparo de la Instituto Nacional Electoral a la Corte Suprema de Justicia a causa de una ley aprobada por el Congreso que el instituto considera inconstitucional.

En esa misma ley se tipifica como delito penal que el solicitante de dicha protección legal presente erróneamente los hechos.

Estos antecedentes son necesarios para poner de relieve la comparecencia del abogado general de Coastal Energy Solutions, PTE, una subsidiaria de la empresa de construcción de Malasia Coastal Contracts BHD. El abogado general ha sido ordenado por un Juez Federal en la Ciudad de México a comparecer ante el tribunal el 10 de abril a una audiencia para determinar si la evidencia que proporcionará la fiscalía federal es suficiente para proceder con el juicio.

La evidencia se refiere a la tergiversación de los hechos con la intención de defraudar en un recurso de amparo que hizo en nombre de su patrón, un prominente contratista de Pemex. El fiscal alegará que en la demanda tergiversó los hechos en una disputa comercial que involucraba a Petróleos Mexicanos (Pemex), como cliente, a CIBanco, como institución fiduciaria, TRESE, una empresa mexicana y contratista de Pemex, y sus acreedores.

"Este asunto ejemplifica cómo en toda la sociedad mexicana, el estado de derecho está siendo desafiado y defendido", observa George Baker, analista político y de mercado en Houston.

El presente caso está registrado con el número de Causa Penal 66/2023, radicada en el Centro de Justicia Penal Federal en la Ciudad de México, con sede en el Reclusorio Oriente, y deriva de la carpeta de investigación FED/FECOC/UEIDAPLE-CDMX/0000349/2022.

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