

10-9-2008

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Recommended Citation

LADB Staff. "Linkage Denied: Mexico Extradites Guatemalan Ex-president; Guatemala Extradites Leader Of Mexico's Feared Zetas." (2008). <https://digitalrepository.unm.edu/noticen/9650>

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Linkage Denied: Mexico Extradites Guatemalan Ex-president; Guatemala Extradites Leader Of Mexico's Feared Zetas

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Category/Department: Mexico Guatemala

Published: 2008-10-09

The philosopher Francis Bacon once observed that contiguity in time and space do not necessitate cause or connection. So it is quite possible that official denials on both sides of the border are true; there is no connection between Guatemala's extradition order of alleged Los Zetas member Daniel Perez Rojas to Mexico and Mexico's extradition, the next day, of former President Alfonso Portillo (2000-2004) to Guatemala. Each country is nevertheless pleased at the return of its respective fugitive.

Portillo was returned to Guatemala on Oct. 7. He took refuge in Mexico when his presidential term ended in 2004. With the handover of power came the loss of immunity from prosecution. Numerous corruption allegations led to the change of country for Portillo. Perez Rojas, suspected deputy leader of the quasi-private army Los Zetas that provides the substantial firepower on which the Mexican Gulf cartel drug empire depends, was ordered extradited to Mexico by the Tribunal Decimo de Instancia Penal.

Guatemala has never been entirely successful keeping this type of individual, either in custody or in court. El Cachetes, as Perez is known, has been in prison since his arrest, along with four others, in a March 25 narcoshootout that killed 11 in Guatemala City. The Procuraduria General de la Republica (PGR) said El Cachetes was one of 31 former members of the Grupo Aeromovil de Fuerzas Especiales del Ejercito (Special Forces) who deserted to found the Zetas (see SourceMex, 2005-10-19 and 2008-05-21).

The former soldier had kept himself out of the clutches of Mexican authorities for a time by hiding his identity. He denied at his extradition hearing that he was Daniel Perez Rojas. He told prosecutors he was Juan Daniel Gonzalez Diaz from Comapa, Jutiapa, down on the Guatemalan border with El Salvador. Judge Patricia Gamez went with the physical evidence, definitive fingerprint identification, however, and, said a spokesperson, "declared the request for extradition of Senor Perez Rojas valid, after establishing his true identity." In September, the Guatemalans almost lost their slippery prisoner. Police got wind of a breakout plan whereby a look-alike was to switch places with him during a visit. The stand-in, an unlucky Manuel Pacheco Ramirez, was apprehended after police combed the city for him for some days. It was not revealed from whence the wind blew.

Nothing quite so dramatic for former President Portillo. He had stayed on Mexican soil for as long as he did mostly because of relentless legal action. In 2006, Mexico ordered him extradited, but he appealed all the way to the Suprema Corte de Justicia de la Nacion (SCJN), challenging the constitutionality of the order. In January, the court ruled against him. No longer on the run, Portillo

bails and walks Portillo, too, had been living life on the run, albeit at a fairly leisurely pace. While police had been unable to locate him earlier, more recently he had had a job at a contracting firm in Mexico, living normally.

Upon his return to Guatemala Oct.7, he said he had agreed to face corruption charges, and Mexican authorities verified that Portillo had consented in writing to the deportation. "I'm here because it means I'm going to confront the law," said Portillo. "I decided to give myself up. I've suffered four and a half years' persecution from the last government." True, the administration of former President Oscar Berger (2004-2008) actively pursued him in what Portillo termed "a savage and indiscriminate manner." For the moment, Portillo is in no great discomfort. Upon arriving home, he was granted bail, posted US\$132,450, and was free to go.

He is feeling better about his prospects under the present government of President Alvaro Colom, quick though everyone is to point out that this is a judicial matter, quite apart from the executive branch. "I'm coming here to confront the law, and I have faith because now there is no government pressuring judicial authorities," Portillo said. "I believe in the independence of judicial authorities. I believe I did not commit the crime I'm accused of." At this point Portillo is accused of having transferred US\$15.8 million from the Defense Ministry budget in such a way that US\$4.6 million disappeared. It is undetermined if any of several accusations of corruption lodged over the years will result in additional charges against him.

The government promised not to interfere in the case. President Colom was out of the country, but Vice President Rafael Espada said the administration would "support the legal process." Interior Minister Francisco Jose Jimenez made the most of the situation to promote the idea that the return of the ex-president signifies a stronger justice system. "One of the objectives is to see that justice functions," said Jimenez. "Whatever the outcome, Guatemalan justice is reaffirmed, above all in a case with political linkage." Jimenez took the opportunity to deny any linkage with the Perez Rojas case. After all, he argued, it was Portillo's decision to give himself up. Besides, Jimenez admitted, as long as El Cachetes remains in the notoriously porous Guatemalan penitentiary system, there is the potential for something very unfortunate, and very violent, to happen.

As things stand, the order for extradition came with a proviso Perez must be tried on any Guatemalan charges before being turned over to Mexico. There's plenty of time for anyone so inclined to bust him out of jail by stealth, force, or bribe. Jimenez expressed the fear, if not the suspicion, that Perez Rojas' defense attorneys, in using a series of delaying tactics for their client, are setting the stage for just such an outcome.

Losing such a high-ranking purveyor of drugs and violence would come as a deep embarrassment and severe setback to both countries as they are in the process of concluding an agreement to share US-provided funds under the Merida Initiative, also known as Plan Merida (see SourceMex, 2008-05-21 and 2008-06-11). Jimenez said the parties were on the verge of working out the details of a joint force to deal with border violence, arms smuggling, and related crime. He admitted his concern about the possibility of the Mexican cartels taking root in Guatemala. He also admitted that his own national police are thoroughly infiltrated by organized crime.

So there have been mutual, virtually simultaneous, but causally unrelated, extraditions, the result of which, so far, is that ex-President Portillo currently walks free in his own country and Daniel Perez Rojas remains in notoriously insecure Guatemalan preventive custody awaiting whatever may come.

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