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President Álvaro Colom Authorizes Former President Alfonso Portillo’s Extradition

by Louisa Reynolds
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In a new twist to the saga of former President Alfonso Portillo (2000-2004), on Nov. 15, President Álvaro Colom officially ratified the extradition order that will allow the former president to face trial in the US. New York prosecutors accuse Portillo of using US banks to launder US$70 million in Guatemalan public funds.

In June, a divided court issued a controversial "not guilty" verdict that acquitted Portillo of corruption charges (Feb. 18, 2010, and June 2, 2011). Nevertheless, Guatemala’s Corte de Constitucionalidad (CC) ratified the extradition two months later. President Colom’s signature was all that was needed to make it official.

During a press conference, Colom said that he allowed the extradition because "the president should not put his hand on the decisions of judges and magistrates."

A press release issued by the US Embassy congratulated Colom for signing the extradition order. "The President’s brave decision underlines his government’s support for the rule of law and the progress undoubtedly achieved by his government in terms of fighting organized crime and corruption," reads the document.

"The Guatemalan authorities have sent a clear message that no one is above the law," added US Ambassador to Guatemala Arnold Chacón.

"If Colom ratified Portillo's extradition, he did so according to what the courts demanded. We respect his decision as it is within the law," said President-elect Otto Pérez Molina when questioned on the issue.

Colom also signed extradition orders for Sergio Ruano Marroquín, wanted in the US on murder charges, as well as alleged drug traffickers Edgar Leonel Estrada Morales and Víctor Emilio Estrada Paredes.

Portillo’s role during the elections

A week before the first round of elections, the Unión del Cambio Nacional (UCN) broadcast a message from Portillo, in which he rallied support for UCN presidential candidate Mario Estrada.

Although Portillo is loathed by many, particularly in urban areas, as a thief and scoundrel, he has many loyal followers in Zacapa and other eastern departments. He even has several fan pages on Facebook, including "Freedom for Alfonso Portillo." A group of loyal followers prints messages of support and encouragement left by sympathizers and takes them to his cell, where he diligently replies to each and every fan.

Portillo’s sudden appearance is believed to have boosted Estrada’s campaign and is one factor that could have distorted the expected overwhelming landslide in favor of Pérez Molina of the Partido...
Patriota (PP), which was wrongly predicted by all the polls. By increasing votes for Estrada, Pérez Molina’s share shrank, said political analysts when questioned on why the polls were so far off the mark (NotiCen, Sept. 22, 2011, and Dec. 1, 2011).

Some polls had even predicted that the Pérez Molina would win in the first round when he won the runoff by a narrow margin, closely followed by Manuel Baldizón of Libertad Democrática Renovada (LIDER).

Before the second round on Nov. 6, Portillo was conspicuously silent, which led to media speculation about a possible agreement with Pérez Molina. "During the second round, Guatemala will not listen to former President Alfonso Portillo’s hoarse voice. A clear and direct message has reached his prison cell: if he remains quiet, it is possible that Otto Pérez Molina might consider not signing the extradition order," read an editorial published by elPeriódico de Guatemala on Oct. 30.

The legal battle continues

Portillo’s defense attorney Teléforo Guerra is fighting the extradition order tooth and nail. Hours after Colom ratified the court’s decision to allow the former president to face trial in the US, Portillo’s defense team put forward eight habeas corpus orders in a desperate attempt to stall the extradition process.

Guerra argues that Colom violated the resolution issued by the CC, which grants the extradition request provided that Colom demand humane treatment for the former president once he is sent to the US. Guerra said Portillo should be handed over to US authorities provided guarantees are obtained regarding his human rights, guaranteed by the American Convention on Human Rights, to safeguard his physical and psychological well-being and to ensure that he will not be tortured or submitted to degrading or inhumane treatment.

This includes guarantees that Portillo will not be held in a prison for common criminals. The former president is currently detained at the Mariscal Zavala military base in Guatemala City, together with other high-profile inmates such as Francisco Valdés Paiz, accused of participating in the murder of lawyer Rodrigo Rosenberg in May 2009 (NotiCen, Jan. 21, 2010), as ordinary prison facilities are notoriously dangerous and overcrowded.

Lawyer Yolanda Pérez Ruiz explains that habeas corpus orders and endless streams of appeals are common tactics used in Guatemala to delay cases indefinitely.

Constitutional expert Gabriel Orellana, who is not part of Portillo’s legal team but is known to be a close supporter, says that it is likely that appeals will also be lodged in international courts.

Although it is unlikely that Guerra’s appeals will prevent Portillo from being extradited, it is clear that he will not set foot on US soil any time soon. Before the former president can be extradited, the embezzlement case against him in Guatemala must be concluded. Although Portillo was acquitted in June, the Ministerio Público and the Comisión Internacional Contra la Impunidad en Guatemala (CICIG), a UN-sponsored body set up to investigate and prosecute organized crime, appealed against the court’s controversial verdict.

The Sala Tercera de Apelaciones (Third Court of Appeals) could rule in Portillo’s favor, indict him, and order his imprisonment in Guatemala or order a retrial.