2-22-2006

Mexican High Court Eases Extradition of Mexican Citizens

LADB Staff

Follow this and additional works at: https://digitalrepository.unm.edu/sourcemex

Recommended Citation

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in SourceMex by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu.
Mexican High Court Eases Extradition of Mexican Citizens
by LADB Staff
Category/Department: Mexico
Published: 2006-02-22

The Mexican high court (Suprema Corte de Justicia de la Nacion, SCJN) has handed down a couple decisions that will ease the extradition of Mexican citizens to the US. The SCJN removed the first obstacle to extradition late last year by eliminating a requirement that US prosecutors would not seek a life sentence for any suspect indicted for a crime.

The high court’s ruling, handed down in November 2005, amended its landmark 2001 decision upholding the right of the executive branch to extradite Mexican citizens to the US on the condition that they not be subject to the death penalty or receive sentences longer than 60 years (see SourceMex, 2001-01-24). Since 2001, the Mexican government has turned down at least 22 extradition requests because US prosecutors could not guarantee that they would not seek a life sentence.

Ruling compatible with Senate measure
In January, the high court handed down another decision that further helps the extradition process. In a 7-3 ruling, the high court held that the US government is not required to turn over any documents in its extradition requests other than those required under the US-Mexico extradition treaty signed by the two countries in 1978. The SCJN decision is compatible with legislation approved by the Mexican Senate in April 2005, which facilitates "fast-track" extraditions.

The measure eliminated the need for a foreign government to offer concrete proof along with its petition. Instead, the Senate deemed that any petition must be accompanied by an authentic copy of the arrest order.

In a second ruling this year, the SCJN upheld the right of the executive branch to make the final decisions on extradition. That ruling was announced in early February.

Decisions affect drug traffickers
Several individuals affected by the recent court decisions have filed appeals with the SCJN challenging the constitutionality of extraditions. Any rulings in their favor could potentially throw a monkey wrench in the extradition process. "The court has not yet conducted a study on whether [the 1978 extradition treaty] is constitutional, so it is possible that extraditions could be halted through an appeal by those who are sought in the US," said Jorge Carrasco Ariazaga in a piece carried by the Agencia de noticas Proceso (apro).

As of late February, the SCJN had denied eight appeals, including those presented by Roberto Bueno Hernandez, Antonio Deras Gonzalez, Bernardo Carrion Vazquez, Eloy Saenz Escobar, and Ruben Hernandez Martinez. Bueno, Deras, Carrion, and Saenz are all wanted in the US for drug trafficking. Hernandez Martinez faces at least 10 charges of sexual assault, even landing on the FBI's list of 10 most wanted fugitives in 2002.
The Mexican government wasted no time in extraditing Bueno Hernandez to Alabama in late February to face charges of trafficking a large amount of narcotics. "We are going to start extraditing these drug lords so that they can face US justice and will stop operating in our country," President Vicente Fox said in a radio interview shortly after the extradition was announced.

Another Mexican citizen, Jose Beltran Quinonez, was extradited to California in early February on charges of passing false information about a terror attack and lying to US federal officials. He could serve as long as eight years in prison if convicted. Beltran allegedly called the California Highway Patrol in January 2005 to report that a nuclear warhead would be smuggled through a tunnel on the US-Mexico border and detonated in Boston. The suspect allegedly said the attack would be carried out by four Chinese chemists and two Iraqis whom he helped smuggle into the US.

The call prompted US authorities to activate a national warning system and set off a nationwide hunt for the six individuals supposedly involved in the attack. Beltran did not fight extradition, but critics said the Mexican government was too quick to turn him over to US authorities. "The extradition...took place outside all legal procedures and was contrary to the US-Mexico extradition treaty," said the apro news agency. The high court's decisions could affect the fate of several prominent drug traffickers such as Osiel Cardenas Guillen, who heads the Gulf cartel. The Mexican government had already agreed in March 2005 to a US request to extradite Cardenas. Cardenas Guillen must first be tried on several major drug-trafficking charges in Mexico, a process expected to take several years. Prominent drug traffickers Jesus Labra Aviles and Ismael Higuera Guerrero are in similar situations where they won't be extradited to the US until they are tried on serious drug-trafficking charges in Mexico. Labra, known as El Chuy, and Higuera are associated with the Tijuana cartel, headed by the Arrellano Felix family.

US authorities have also requested extradition of Oscar, Miguel Angel, and Luis Raul Arriola Marquez, three brothers who have led one the largest cocaine-trafficking organizations in Mexico. Miguel Angel and Luis Raul were arrested in Chihuahua state in 2004, and Oscar was detained in February of this year in Coahuila state.

The Arriola organization, thought to have ties to the Juarez and the Gulf cartels, is said to have smuggled an average 2.4 tons of cocaine into the US per month. The organization had a wide reach, distributing drugs in Colombia and Venezuela as well as the US states of Arizona, Illinois, North Carolina, and New York. Oscar Arriola was on the list of the world's 40-most-wanted fugitives at the time of his arrest. "He is one of the drug traffickers most sought after in the United States," said Attorney General Daniel Cabeza de Vaca. (Sources: Los Angeles Times, 12/09/05; The Chicago Tribune, 12/18/05; El Economista, El Financiero, 02/01/06; Notimex, 04/25/05, 02/04/06; Reforma, 02/04/06, 02/05/06; Agencia de noticias Proceso, 03/10/05, 01/31/06, 02/06/06, 02/07/06; The San Diego Union-Tribune, 02/08/06; Associated Press, 04/26/05, 02/03/06, 02/07/06, 02/13/06; El Universal, 03/10/05, 10/04/05, 02/01/06, 02/04/06, 02/17/06; La Crisis, 03/11/05, 02/01/06, 02/15/06, 02/17/06; La Cronica de Hoy, 03/10/05, 04/27/05, 01/31/06, 02/01/06, 02/17/06, 02/22/06; La Jornada, 04/27/05, 02/01/06, 02/03/06, 02/08/06, 02/10/06, 02/21/06, 02/22/06; The Herald-Mexico City, 02/01/06, 02/08/06, 02/14/06, 02/22/06)