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Mexico to Extradite Ex-Quinana Roo Governor to U.S. to Face Drug Charges

by LADB Staff

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The Mexican government has agreed to proceed with the extradition of Mario Villanueva Madrid to the US for prosecution on drug-related charges even though a Mexican court has cleared the former Quintana Roo governor of those same charges. The decision to proceed with the extradition of Villanueva is part of President Felipe Calderon's strategy to combat drug trafficking by extraditing cartel leaders and other prominent figures (see SourceMex, 2007-05-16).

In June, Calderon announced another step to combat drug-related corruption by shaking up the federal police force, replacing 34 regional coordinators and 250 other middle-level and high-ranking officials in the country's main federal law enforcement agencies. Villanueva was accused of taking millions of dollars in bribes in exchange for using his office to support the operations of the Juarez drug cartel.

Authorities were unable to bring official charges against him while he was in office because, as an elected official, he enjoyed immunity from prosecution (see SourceMex, 1999-04-14). He went into hiding just days before the completion of his term and eluded arrest for about two years. Authorities eventually caught up with Villanueva in the resort city of Cancun in 2001 (see SourceMex, 02001-05-30).

Judge clears Villanueva on charges in Mexico

Villanueva was taken into custody and sent to the Altiplano federal facility just outside Mexico City in 2001. After several appeals, his legal team finally won a victory in June of this year, when a federal judge cleared Villanueva of drug-trafficking and organized-crime charges and ordered his immediate release. As he was walking out of the Altiplano facility, he was immediately taken back into custody. "This arrest is related entirely to the extradition request," said deputy attorney general Jose Luis Santiago Vasconcelos, who noted that the US has made four separate requests for Villanueva's extradition.

Prosecutors said the former governor would be held at the Reclusorio Norte federal prison pending an extradition hearing. US authorities made their first formal request for Villanueva's extradition in 2002 (see SourceMex, 2002-01-30), accusing him of assisting the Juarez cartel in its drug-trafficking operations in the US. Villanueva allegedly took the bribes in exchange for allowing cartel leaders to use Cancun as a transshipment point for several tons of cocaine from South America between 1994 and 1999.

An indictment filed in a US federal court in New York City said that Villanueva received about US\$500,000 for each shipment and that he laundered at least US\$11 million with the help of an investment manager at Lehman Brothers in New York. If a federal court approves the extradition,

Villanueva would become the highest-ranking former elected official from Mexico to stand trial in the US on drug-trafficking charges.

Former prosecutor Mario Herran Salvatti, who handled the Villanueva investigation during the administration of former President Ernesto Zedillo, said the US legal arguments are strong enough to ensure that the extradition will move forward. Herran was the chief drug-enforcement investigator for the Procuraduria General de la Republica (PGR) during the Zedillo government (see SourceMex, 1998-08-25).

Herran said, however, that the ultimate decision on whether Villanueva is extradited rests with the court and with the Secretaria de Relaciones Exteriores (SRE). Unlike the recent extraditions of drug-cartel leaders, Villanueva's extradition could take several months because of several appeals planned by his attorneys. Horacio Garcia Vallejo, head of Villanueva's legal team, said the appeals process could delay the transfer of his client for at least a year. "This gives us sufficient time to offer proof of his innocence," said Garcia Vallejo.

Ex-governor willing to stand trial in US

Villanueva agreed to speak to reporters from several Mexican daily newspapers. In an interview with the Mexico City daily newspaper La Jornada, he continued to lash out at the Zedillo government for putting him behind bars without adequate proof. He said he had no objection to a trial in the US as long as he "does not have to face the same 'fabricated' charges" that were presented by the Zedillo administration. Both Zedillo and Villanueva are members of the Partido Revolucionario Institucional (PRI).

The ex-governor made those same comments in an interview with the Mexico City daily newspaper Milenio Diario. He said he had no objection to a trial in the US as long as he does not have to face trumped up charges. "[A trial in the US] gives me the opportunity to clear my name," said Villanueva. While Villanueva clearly blames his plight on the Zedillo government, PRI members have varying opinions on how much responsibility to ascribe to President Felipe Calderon's government and his Partido Accion Nacional (PAN).

Deputy Emilio Gamboa, the PRI floor leader in the lower house, said Calderon's decision to proceed with the extradition of Villanueva would not affect his delegation's commitment to continue to cooperate closely with the executive branch. Other PRI deputies, such as Eduardo Espinosa Abuxapqui and Sara Latife Ruiz, criticized Calderon, saying the extradition was a clear case of "political revenge" against the PRI. Abuxapqui and Latife both represent Villanueva's state of Quintana Roo in Congress. "This is a very serious matter," said Abuxapqui. "The courts ordered [the ex-governor's release] because of a lack of proof, and now they are handing him over to the US on a silver platter."

Even though Villanueva was recently cleared on the Mexican charges of drug trafficking and organized crime, he may face new charges of money laundering along with other members of his family. In late June, a federal judge ordered the arrest of Luis Ernesto Villanueva Tenorio, one of the ex-governor's sons, on charges of laundering millions of dollars through the Swiss banking system.

Judge Taissia Cruz Parcerro said her decision was based on evidence presented by the government's organized-crime unit (Subprocuraduria de Investigacion Especializada en Delincuencia Organizada, SIEDO), which indicated that both Villanuevas participated in a scheme in 1994 to launder US\$4 million through a bank in Zurich. While his father is in jail pending extradition to the US, Luis Ernesto Villanueva remains at large.

Government purges federal police agencies

The extradition of high-profile drug traffickers and other officials like Villanueva is part of Calderon's strategy to wage an intense battle against drug traffickers. The president launched his anti-drug campaign in early 2007, sending troops to secure several states where the drug cartels have operated (see SourceMex, 2007-01-24). The strategy has come under fire from critics who fear that the campaign has led to retaliation from the cartels and fostered a major increase in violence throughout the country (see SourceMex, 2007-05-30).

Nevertheless, the president is proceeding with his campaign to root out drug-related corruption and organized crime. In late June, Calderon announced a sweeping purge of the country's federal police forces, replacing 284 senior and middle-level commanders from the Agencia Federal de Investigaciones (AFI) and the Policia Federal Preventiva (PFP).

The commanders have been replaced by officers who have undergone months of intensive testing, including background checks, psychological exams, and drug tests. "We are aware that Mexicans demand honest, clean, and trustworthy police," Public Safety Secretary Genaro Garcia Luna said at a news conference. "We have strategies and directions in the struggle against crime. One of the keys to that strategy is professionalizing and cleaning up the police forces."

Garcia Luna raised the possibility that some of the replaced commanders might have the opportunity to return to supervisory roles if they complete new training courses and prove themselves free of corruption. The replacements, including 34 state and regional supervisors, were selected from the PFP and AFI ranks, said Fernando Davila, a spokesperson for the Secretaria de Seguridad Publica (SSP).

One reason for the crackdown, said authorities, is that information about anti-drug operations conducted by the army appeared to have been leaked. Roughly one-third of Mexico's 20,000-member federal police force, which investigates all drug-related crimes and homicides, is assigned to work alongside the 12,000 soldiers employed in the Calderon administration's campaign against drug traffickers.

Analysts call campaign bold and risky

Some analysts described Calderon's move as both bold and risky. "This is an incredibly important step toward a comprehensive police reform," said Ernesto Lopez Portillo Vargas, a public-safety expert who founded the Instituto para la Seguridad y la Democracia. Lopez Portillo cautioned, however, that the move carries significant risk. "The size of the change is both its strength and its biggest risk," said the security expert. "Police reform is incredibly complex, and if you want to do it right, you have to do many things at the same time. Changing people is just one of them."

The Congress is skeptical about Calderon's purge of the federal police. Legislators, raising concerns that the actions would cast a shadow on all police agencies and officers throughout Mexico, said they would summon Public Safety Secretary Garcia Luna and Attorney General Eduardo Medina Mora to testify. "It is important that they provide an explanation to Congress because these types of actions place all police agencies under suspicion," said PRI Sen. Fernando Castro Trenti, a member of the justice committee (Comision de Justicia) in the upper house.

Even PAN members joined in the demand for an explanation from Medina Mora and Garcia Luna. "It would be worthwhile to have testimony from these officials," said PAN Sen. Ulises Ramirez, who chairs the justice committee. "We need to keep the lines of communication open." Legislators also urged Calderon to take steps to keep the officers who were dismissed from joining the drug traffickers. PRI Sen. Manlio Fabio Beltrones recommended that the government ensure that the demoted officers are given alternative duties. "The government has to ensure that these demotions will not have the effect of strengthening criminal organizations," said Beltrones.

In addition to replacing the high-level federal officials, the federal government is in the process of investigating 400,000 state and local police officers. The majority of these officers are in Nuevo Leon, Sonora, Baja California, Guerrero, Michoacan, Mexico state, and Mexico City, said La Jornada. In some instances, drug cartels have been known to enlist almost entire police departments to drug-trafficking operations in places like Michoacan (see SourceMex, 2006-07-26). The compromised Michoacan police officers were said to have been recruited by the Zetas, who are deserters from elite Army units. The Zetas have carried out violent killings on behalf of the Gulf cartel, led by notorious drug trafficker Osiel Cardenas Guillen (see SourceMex, 2005-12-14 and 2006-02-08).

As part of its anti-drug efforts, the Calderon administration has begun to target the Zetas. In late June, the Secretaria de Defensa Nacional (SEDENA) and the PGR announced the arrest of 11 key members of the Zetas, including Luis Reyes Enriquez, known as Z12, who is said to have founded the group. But some critics say the recent arrest of Zeta leaders would not make a significant difference in curbing drug-related violence in Mexico.

By some estimates, more than 120,000 Mexican soldiers have deserted the Army in the eight years since the Zetas were organized. "Even if just 5% of those join the cartels, that's an army of hit men," Georgina Sanchez, an independent security analyst in Mexico City, told The Houston Chronicle. A factor that could make a bigger difference is the possibility that the major drug cartels could reach a truce among themselves.

The Dallas Morning News, citing US and Mexican intelligence sources, said leaders of the Sinaloa and Gulf cartels have quietly declared a cease-fire while they negotiate an agreement to divide Mexico's lucrative drug-trafficking routes. "The fact that violence had erupted across the country from the Gulf Coast to the Pacific Coast in such an alarming fashion became a serious concern for veteran cartel leaders who feared the demise of their overall business," said Eduardo Valle, a former assistant to the Mexican attorney general.

But Mora cautioned the whole scheme could fall apart if the two sides are not able to reach a mutually beneficial agreement. "Cooler heads, for now, are prevailing," he said. "What we have

is a temporary, partial cease-fire as the two sides try to negotiate a lasting pact. All this, however, remains tenuous at best and perhaps not sustainable in the long run."

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