

2-18-2015

U.S. Seeks Request for Extradition of Drug Kingpin Joaqu n Chapo Guzm n

Carlos Navarro

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

Recommended Citation

Navarro, Carlos. "U.S. Seeks Request for Extradition of Drug Kingpin Joaqu n Chapo Guzm n." (2015).
<https://digitalrepository.unm.edu/sourcemex/6141>

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.

U.S. Seeks Request for Extradition of Drug Kingpin Joaquín Chapo Guzmán

by Carlos Navarro

Category/Department: Mexico

Published: 2015-02-18

The Procuraduría General de la República (PGR) and the Mexican courts have sent mixed signals on whether Mexico would be able to comply with a request by the US government for the extradition of notorious drug kingpin Joaquín Guzmán Loera, more commonly known as El Chapo. Guzmán Loera, head of the Sinaloa cartel or *cártel del Pacífico*, has been held in a Mexican federal penitentiary since his surprise arrest almost a year ago ([SourceMex, Feb. 26, 2014](#)).

Guzmán Loera is wanted in a handful of US courts on multiple criminal charges of drug trafficking, racketeering, money laundering, kidnapping, conspiracy to commit murder, and murder. Because of his extensive operation in Chicago, that city declared him Public Enemy Number One in February 2013 ([SourceMex, Feb. 27, 2013](#)).

There are reports that the US government formally requested Guzmán Loera's extradition in late January, although US authorities made no official announcement. Sources close to the US State Department said the US Embassy in Mexico City delivered the extradition request to the Secretaría de Relaciones Exteriores (SRE).

There are at least seven indictments against Guzmán Loera in various US jurisdictions. In Mexico, Guzmán Loera faces 12 separate charges, including drug trafficking (*delitos contra la salud*) and racketeering. There is also a conspiracy charge against him in connection with the murder of Juan Jesús Posadas Ocampo in Guadalajara in May 1993 ([SourceMex, April 5, 1995, June 13, 2001, and Jan. 30, 2008](#)).

Furthermore, there was much uncertainty on whether the extradition request would be granted. Attorney General Jesús Murillo Karam twice said in January 2015 that extradition of the Sinaloa cartel leader was imminent. The attorney general then appeared to balk at the US request, suggesting that keeping him in Mexico was a matter of "national sovereignty." Still, he left the door open for an eventual extradition. "El Chapo must stay [in Mexico] to complete his sentence and then I will extradite him," said Murillo Karam. "So about 300 or 400 years later—it will be a while."

Mexico's longest jail sentence is 50 years, which is the equivalent of life in prison. However, the courts can sentence an individual to multiple maximum terms, which could add up to hundreds of years.

Attorney general might be violating bilateral extradition treaty

Murillo's suggestion that Guzmán Loera must serve his sentence in Mexico contradicts agreements signed by the two countries in the 1990s. In 1997, the two countries signed a Protocol to the 1978 bilateral Extradition Treaty allowing extradition of convicted criminals before or while serving a sentence. "The Requested Party, after granting an extradition request made in accordance with this Treaty, may temporarily surrender a person who has been convicted and sentenced in the Requested Party, in order that the person sought may be prosecuted in the Requesting Party

before or during service [emphasis added] of sentence in the Requested Party," says Article 1 of the Protocol.

The Protocol further provides for the "Requesting Party," i.e. the US, to return to the "Requested Party" (Mexico) the person after conclusion of the "proceedings," meaning trials, in US Courts, said the US business magazine Forbes.

The US and Mexican Senate officially ratified the Protocol in 2001, giving the document full effect. That same year, Mexico's highest court (Suprema Corte de Justicia de la Nación, SCJN) ruled that the federal government has the authority to expedite extraditions of Mexican citizens to the US without violating the Mexican Constitution ([SourceMex, Jan. 24, 2001](#)).

Guzmán Loera has attempted to use the Mexican judicial system to block his extradition to the US. Shortly after his arrest, the Sinaloa cartel leader's lawyers filed an injunction in a federal appeals court to prevent the Mexican government from immediately sending Guzmán Loera to stand trial in the US. The court rejected Guzmán's injunction against extradition because US officials had not made a formal request at that time.

In January 2015, Guzmán Loera's lawyers requested another injunction to block the extradition, arguing this time that his rights under the Mexican Constitution would be violated if he was tried in a foreign country. The court again denied the injunction.

The Mexican courts have also sent mixed signals. While a federal appeals court (Juez Décimo de Distrito de Amparo en Materia Penal) denied Guzmán Loera's motion barring the US Embassy in Mexico City from presenting the extradition request, another court (Juzgado 16 de Distrito en Materia Administrativa) ruled in mid-January that the Sinaloa cartel leader could not be sent to the US without a trial in Mexico to determine whether he should be extradited.

Other cartel leaders extradited to US

With the Protocol in place, the Mexican government has extradited a number of leaders of criminal organizations to the US. Those extraditions occurred under the administration of ex-President Felipe Calderón (2006-2012), who made a priority of working closely with the US to go after the drug cartels ([SourceMex, Oct. 17, 2007](#), [May 21, 2008](#), and [May 26, 2010](#)).

The list of Mexicans who have been extradited to the US on drug-related charges includes Gulf cartel leader Osiel Cárdenas Guillén, ex-Quintana Roo Gov. Mario Villanueva Madrid, Sinaloa cartel lieutenant Sandra Ávila Beltrán, and brothers Benjamin, Francisco Rafael, and Francisco Javier Arellano Félix of the Tijuana cartel ([SourceMex, Nov. 5, 2008](#), [May 12, 2010](#), and [Aug. 15, 2012](#)).

Ávila Beltrán, known as La Reina del Pacífico (Queen of the Pacific), initially avoided deportation ([SourceMex, Jan. 18, 2012](#)), served a brief sentence in the US, and was promptly returned to Mexico to face charges of money laundering ([SourceMex, Feb. 26, 2014](#)). Earlier this year, a federal court in Jalisco (Segundo Tribunal Unitario del Tercer Circuito) revoked a five-year sentence originally imposed against Ávila Beltrán, allowing her to walk out of a federal penitentiary in Nayarit. In issuing the verdict, the court ruled that Ávila Beltrán "already had been tried for the same offense both in Mexico and abroad."

More recently, Mexican courts have granted a request for extradition of one of Chapo Guzmán's collaborators. On Feb. 1, a federal judge in Mexico City (Juez Sexto de Distrito en Procesos Penales

del DF) ruled that Valentín Sáenz de la Cruz, also known as El Valle, could be sent to the US. Sáenz de la Cruz, who will stand trial in a federal court in El Paso, Texas, was a key operator for the Sinaloa cartel in Jalisco state and in Ciudad Juárez in Chihuahua. Officials said Sáenz de la Cruz worked with both the Sinaloa and the Juárez cartels, but alienated leaders from both organizations after becoming involved in kidnapping activities instead of concentrating on trafficking drugs.

US authorities have obtained evidence against Guzmán Loera from two of his top operators in the US. Identical twins Pedro and Margarito Flores, who set up a broad drug-trafficking network spanning several US cities, agreed to testify against the Sinaloa cartel leader in exchange for a reduced sentence. In late January, Chief US District Judge Ruben Castillo handed down a reduced sentence of 14 years in prison to the Flores brothers as a reward for cooperating with US law-enforcement officials in obtaining evidence against Sinaloa cartel leaders, including secret tape recordings. Prosecutor Mike Ferrara noted the twins' cooperation led to indictments of Guzmán and more than 50 others.

In January, US authorities also filed charges in San Diego against other members of the Sinaloa cartel leaders, including top leader Ismael El Mayo Zambada García and dozens of other lieutenants and operators. The list of indictments includes two of Zambada's sons—Ismael Zambada Sicairos, known as Mayito Flaco, and Ismael Zambada Imperial, known as Mayito Gordo—and Guzmán Loera's son Iván Archibaldo Guzmán Salazar, also known as El Chapito.

"The indictments mark the conclusion of the third phase of a three-year investigation that, in total, has resulted in charges against 117 people and has had a significant impact on the worldwide operations of the Sinaloa Cartel," said a news release from the US Attorney's Office, Southern District of California.

"This investigation has also offered one of the most comprehensive views to date of the inner workings of one of the world's most prolific, violent and powerful drug cartels. Cartel members and associates were targeted for three years in a massive probe involving multiple countries, scores of law enforcement agencies around the United States, a number of federal districts and over 200 court-authorized wiretaps in this district alone," said the news release.

As part of the investigation, US authorities previously arrested and prosecuted another son of Mayo Zambada, Serafín Zambada Ortiz, who pleaded guilty in in September 2014 to drug trafficking charges.

"Zambada Ortiz, a US citizen born in San Diego, pleaded guilty to conspiring to buy more than 100 kilograms of cocaine and more than 1,000 kilograms of marijuana in Sinaloa, then import it into the United States," said the news release. Zambada Ortiz, who is scheduled for sentencing in May 2015, faces 10 years to life in prison.

-- End --