Observers Question Timing of Extradition of Drug Lord Chapo Guzmán

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The Mexican government transferred custody of notorious drug trafficker Joaquín El Chapo Guzmán Loera to US authorities on Jan. 19. The US had long sought to bring the Sinaloa cartel leader for trial in the US (SourceMex, Feb. 18, 2015), and while the public sentiment in Mexico has generally been in opposition to extraditions, the nation’s high court (Suprema Corte de Justicia de la Nación, SCJN) cleared the way for the government to extradite Mexican citizens in a speedy manner 15 years ago (SourceMex, Jan. 24, 2001).

Since then, a handful of individuals tied to organized crime have been sent to the US. The list of extraditions includes former Quintana Roo Gov. Mario Villanueva (SourceMex, May 12, 2010), former Gulf cartel leader Osiel Cárdenas (SourceMex, March 26, 2003), and several members of the Arellano Félix family, which operated the Tijuana cartel (SourceMex, May 16, 2007). Two Guzmán collaborators in the Sinaloa cartel, Héctor El Güero Palma (SourceMex, May 16, 2007) and Sandra Ávila Beltrán (SourceMex, Aug. 15, 2012) have also been sent to the US to face trial.

A gift to Obama or Trump?

Given the precedents and the serious charges against Guzmán in both Mexico and the US, the extradition itself was expected. The big surprise was the timing of the move, particularly since President Enrique Peña Nieto’s administration and the Mexican courts appeared to be stalling on the transfer. Guzmán was sent to the US on the last day of President Barack Obama’s term in office, and the day before Donald Trump’s presidential inauguration. The extradition date spawned several theories about the motivations of Peña Nieto’s administration. Was the move intended as a gift to Obama or to Trump?

Some Mexicans were angered at what they viewed as a concession to the incoming president. “In the social networks, the transfer of the drug capo to the gringos is described as a ‘gift’ to the man who offended our entire nation,” columnist Francisco Garfías wrote in the daily newspaper Excélsior.

However, others differed. “By choosing yesterday to extradite El Chapo Guzmán, Foreign Relations Secretary Luis Videgaray made a masterful move,” Yuriria Sierra, also a columnist for Excélsior, wrote in a piece published on Jan. 20. “If he had been sent today, he would have been turned in to the new president, Donald Trump. But he was turned over yesterday to Barack Obama, who was still president.”

In Sierra’s view, the extradition does send a signal that Mexico is ready to cooperate with the Trump government. “But this not a blank signal, nor is it unconditional,” she said. “By turning El Chapo over to Obama, Mexico is keeping the new government from taking credit and boasting to the country about this decision.”

Sierra added, “Many US citizens are not aware that this work was begun during the tenure of Arely Gómez, the former federal prosecutor, and concluded by Attorney General Raúl Cervantes. The case was only awaiting appeals filed by El Chapo in Mexico.”
Sierra pointed out that the timing of the move was also intended to reduce negative public opinion in Mexico, particularly in light of the firestorm that occurred when then-candidate Trump held a private meeting with Peña Nieto last summer (SourceMex, Sept. 7, 2016). “Following the experience of the visit to Los Pinos [presidential residence], Videgaray and Peña Nieto are aware that any sign of submission can carry extremely high political costs in terms of public opinion,” she said. “Better to turn [El Chapo] over to Obama, even though [the extradition] is really for Trump.”

Others concurred that the timing might have been a nod to Obama.

“The extradition could be seen as a courtesy to the outgoing government of Barack Obama and as a message to the new commander of the empire: You can work and have confidence in Mexico,” columnist José Cárdenas wrote in the daily newspaper El Universal. “If Trump so desires, there will be collaboration. If the administration continues its stubborn ways, El Chapo will be the last Mexican drug trafficker to be extradited to the US.”

“What is certain is that only President Peña Nieto and his foreign relations secretary know the details of what is behind this political maneuver,” columnist Ricardo Alemán wrote in the daily newspaper Milenio. “The only thing that is clear until now is that politics and diplomacy will be the fundamental weapons that the Mexican government will use against a leader like Trump. Politics and diplomacy are the only way to combat tyrants and despots.”

The governing Partido Revolucionario Institucional (PRI) views the turnover of Guzmán as a gesture to the new administration.

“This action is a clear demonstration of the willingness of the Mexican government to cooperate,” PRI national president Enrique Ochoa Reza told reporters. “We can strengthen our bilateral relations through dialogue and negotiation.”

Will Guzmán’s fortune be used for Trump’s wall?

Alemán also wondered exactly what benefit the turnover of Guzmán had for Mexico, not only in terms of politics or diplomacy, but also in monetary value.

“We are talking about billions of dollars,” Alemán said in reference to Guzmán’s estimated net worth. Guzmán was listed in Forbes magazine’s annual list of the world’s richest people for several years (SourceMex, March 18, 2009), but he was dropped from the list in 2015. “In Mexico, few people are discussing this topic, even though the fortune could be used for many things,” Alemán said.

The notion that Guzmán’s fortune could be used to fund construction of Trump’s ambitious wall along the US-Mexico border is a topic of “extreme speculation,” Alemán said. The new US president has said he intends to force Mexico to pay for the massive project (SourceMex, Jan. 18, 2017).

Alemán noted, however, that obtaining access to the funds amassed by Guzmán would not be easy. “There were many legal claims against El Chapo, not only requesting his extradition but also as a fundamental step, intervention in his fortune.”

The date of Jan. 19 also represents another milestone in relation to Guzmán. On this date in 2001, the drug lord made his first of three escapes from authorities, hiding in a laundry truck to exit the
Puente Grande federal prison (SourceMex, Jan. 24, 2001). “He fooled the government of Vicente Fox with his incredible escape from the so-called high-security prison in Puente Grande, Jalisco,” Cárdenas wrote in El Universal. “Sixteen years later, Jan. 19 marked the beginning of his final trial.”

**Taken to Brooklyn**

On the day of his extradition, Guzmán was whisked from his prison cell to an aircraft owned by the federal prosecutor’s office (Procuraduría General de la República, PGR). According to witnesses, as he was taken to a helicopter, Guzmán thought that his appeals had succeeded and that he was being returned to the Altiplano maximum-security facility—the same facility from which he escaped in July 2015 (SourceMex, July 15, 2015) and to which he was returned following his recapture in 2016 (SourceMex, Jan. 20, 2016). He was later moved to the maximum-security facility in Ciudad Juárez, in preparation for his extradition to the US.

Guzmán soon learned of his fate. “In 120 minutes, El Chapo was taken from his cell in Juárez to plane that was bound for New York, where he was received by agents of the [US Drug Enforcement Administration, DEA],” said Milenio columnist Alfredo C. Villeda.

According to the conditions of the extradition, the US promised to take capital punishment off the table, while Mexico agreed to allow any new charges that came up during Guzmán’s US custody. “As part of the extradition process, we had to assure the Mexican government that the death penalty would not be sought,” said Robert L. Capers, the US attorney in Brooklyn.

Guzmán is facing charges in six federal districts, headquartered in New York, California, Texas, Arizona, Florida, and Illinois. The charges levied against him are based on investigations conducted by the DEA, the FBI, and several other federal agencies. The 17-count indictment accuses him of operating a continuing criminal enterprise that included murder conspiracy, other drug-related crimes including money laundering, and use of firearms. The Sinaloa cartel is accused of trafficking cocaine, marijuana, heroin, methamphetamines, and other narcotics in the US. Prosecutors are seeking life in prison and the forfeiture of US$14 billion in drug proceeds and illicit profits obtained by Guzmán’s trafficking operations. Authorities say they have a large amount of physical evidence against Guzmán, including seized drug stashes and electronic surveillance recordings.

Guzmán’s drug-trafficking activities have made such an impact in Chicago that the city took the extraordinary step in 2013 of declaring the drug capo as Public Enemy Number One (SourceMex, Feb. 27, 2013).

Pending his trial, Guzmán is being held in the most secure unit of the nine-story Metropolitan Detention Center (MDC) in Brooklyn, which houses about 1,800 prisoners charged with federal crimes. The case against him will be handled by the Brooklyn-based Eastern New York district office with assistance from the Miami-based Florida district. According to Capers, the two offices together could bring “the most forceful punch” to the case against Guzmán. However, Capers told The New York Times that the cases in Texas, California, Illinois, and elsewhere would remain open.

In a memo, Capers’ office said it planned to call dozens of witnesses to testify about Guzmán’s broad criminal enterprise, including multi-ton shipments of drugs in trucks, planes, yachts, fishing vessels, container ships, and submersibles. Witnesses are also expected to give testimony on the Sinaloa cartel’s methods of intimidation, including the murder of witnesses, law enforcement agents, public officials, and rival cartel members.
At his arraignment, Guzmán entered a not guilty plea to all the federal charges levied against him. Because things moved very quickly, Guzmán had not had a chance to hire his own private attorneys by the time of the arraignment, where he was represented by two public defenders, Michael Schneider and Michelle Gelernt, of the Federal Defenders of New York.

Guzmán’s attorneys promised a vigorous defense. Among other things, they plan to question whether the Sinaloa cartel leader was extradited lawfully. “I haven’t seen any evidence that indicates to me that Mr. Guzman has done anything wrong,” Schneider told reporters outside the courthouse. “Most of you probably haven’t seen any evidence like that either.”

A new hearing is scheduled for Feb. 3.

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