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## Fugitive Former Governors Arrested in Italy, Guatemala

by *Carlos Navarro*

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The Mexican government has begun the extradition process for two fugitive governors, Tomás Yarrington Ruvalcaba of Tamaulipas and Javier Duarte de Ochoa of Veracruz, whose whereabouts became public only in recent days.

Yarrington, who was taken into custody in Florence, Italy, served as governor of Tamaulipas from 1999 to 2005. He is facing several charges, including drug trafficking and money laundering, filed by both Mexico and the US ([SourceMex, Feb. 29, 2012](#), and [May 30, 2012](#)). The administration of former President Felipe Calderón (2006-2012) had investigated Yarrington and two other former Tamaulipas governors—Manuel Cavazos Lerma (1993-1999) and Eugenio Hernández Flores (2005-2010)—for their connections to criminal organizations, but had not taken any action against them. All three are members of the governing Partido Revolucionario Institucional (PRI).

Tamaulipas has been a stronghold of the Zetas, a major drug-trafficking organization that won a power struggle over its rival, the Gulf cartel ([SourceMex, Jan. 6, 2010](#), and [Feb. 1, 2012](#)). The Zetas are believed to have been behind the assassination of Tamaulipas PRI gubernatorial candidate Rodolfo Torre Cantú in 2010 ([SourceMex, June 30, 2010](#)).

Yarrington is said to have colluded with the Gulf cartel to facilitate the transfer of several tons of drugs to the US in exchange for a percentage of the proceeds. “The Gulf cartel became more powerful than the politicians. First, it gained control over the police force and then silenced the communication media until it gained control over society,” Jorge Carrasco Araizaga wrote in [proceso.com](#). “It is in this context that Yarrington governed the state of Tamaulipas. Protected witnesses testified several years ago that he won [the gubernatorial election] with the support of the drug cartels.”

The Gulf cartel weakened considerably when its leader, Osiel Cárdenas Guillén, was arrested and deported to the US ([SourceMex, March 26, 2003](#), and [May 12, 2010](#)), allowing the Zetas to gain control over the region.

President Enrique Peña Nieto’s administration apparently uncovered sufficient evidence to bring charges against Yarrington, who had been fugitive for five years. In December 2012, the government requested a red notice from the international law-enforcement agency Interpol asking member countries to remain alert for Yarrington. A red notice is a request to locate and provisionally arrest an individual pending extradition. This year, the Mexican government requested red notices for fugitive former governors Duarte de Ochoa and César Duarte Jáquez of Chihuahua ([SourceMex, March 1, 2017](#), and [April 5, 2017](#)).

However, critics suggest that Peña Nieto only acted because of international pressure to root out drug-related corruption. “The PGR under ex-President Vicente Fox and under the ‘anti-drug crusader’ Felipe Calderón did little to address the Yarrington problem,” said Carrasco Araizaga.

Even though Peña Nieto presented the red notice for Yarrington in 2012, Carrasco said the government did little else to follow up on that request until the US became involved in the matter.

“Facing international shame, the current administration placed a claim to have him processed in Mexico, although the US appears to have a priority because of the exchange it had with the Italian police to have him detained.”

Mexican prosecutors, however, insist that the red notice issued for Yarrington helped locate the former governor, who had set up residence in the coastal city of Paola in the Calabria region of Italy. “The arrest was made possible by a red notice obtained from Interpol,” said a spokesperson for Mexico’s Procuraduría General de la República (PGR).

Authorities, who had Yarrington under surveillance since February of this year, decided to move against him on April 9, following him from Paola to Rome to Florence, where he was taken into custody.

### *US to get Yarrington first*

Italian authorities were initially faced with the decision on whether to send Yarrington to Mexico or to the US, as both countries made the request for his extradition. Following a series of meetings between Mexico’s Attorney General Raúl Cervantes Andrade and his US counterpart Jeff Sessions, the two countries agreed that Yarrington should face justice in the US first.

According to the agreement between Cervantes and Sessions, Yarrington will face trial and be sentenced in the US but will not serve his sentence immediately. He will then be tried in Mexico. Following the conclusion of the Mexican trial, he will be returned to the US to serve his sentence.

The US worked closely with Italian authorities to locate Yarrington, and that likely played a role in the decision to send him to the US first. Additionally, Cervantes and Sessions considered the gravity of the crimes for which he is charged in each country. In Mexico, Yarrington faced a possible 20 years in prison, but in the US he could receive a sentence of more than 90 years.

“It’s a decision the Italian authorities will have to evaluate and make,” Alberto Elías Beltrán, who heads the PGR’s division on international affairs (Subprocuraduría Jurídica y de Asuntos Internacionales), said before the two countries reached agreement.

Mexico made the request for Yarrington’s arrest much earlier than the US, but that did not seem to be a factor. Mexico’s request came in 2012, while the US only filed the extradition paperwork in March of 2016.

Mexico is also investigating reports that Yarrington ordered the murder of gubernatorial candidate Torre Cantú in 2012. “Torre Cantú might have been killed because he rejected entering into agreements with criminal organizations, supposedly brokered by Yarrington,” said the newspaper El Regio de Tamaulipas. “This was going to create obstacles for the political plans of the ex-governor.”

Some observers argued all along that Yarrington should be sent to the US first. “The justice system of the US investigated him, traced him, and requested an order of international arrest against Yarrington in the face of accumulating evidence that he helped introduce large amounts of cocaine into the US, and participated in money-laundering operations and other illicit activities,” Martín Moreno wrote in *sinembargo.mx*.

Yarrington spent several years in the US sometime between the end of his term in 2005 and 2012, but was not detained during the period. This eliminates one of the legal reasons to have him brought to

the US. "He cannot be considered a fugitive from the US; he left because he could not stay because his temporary visa was not renewed," Yarrington's Italian lawyer Luca Marafioti told Proceso. "We have to make this clear. This information was offered by Yarrington during his court appearance."

According to Marafioti, Yarrington spent time in Spain and other areas of Italy, including Tuscany, the province of Grosseto, and the Italian capital of Rome. "He did not specify the length of time he spent in each place," the Italian lawyer said.

During Yarrington's court appearance in Italy, he claimed that he would be facing political persecution if extradited. Had Yarrington not opposed extradition, "the case would be much simpler," the daily newspaper Reforma noted.

Italian authorities are also investigating whether Yarrington broke any laws or committed any crimes during his time in Italy, said Luigi Rinella, who heads the narcotics division for Italy's top law-enforcement agency.

### *Duarte detained in Guatemala*

Just days after Yarrington was arrested, authorities in Guatemala announced they had taken Duarte de Ochoa into custody. The former Veracruz governor, who went underground to avoid corruption charges ([SourceMex, Oct. 12, 2016](#), and [March 1, 2017](#)), was the subject of a massive manhunt. He was detained on April 15 in the resort town of Panajachel, on Lake Atitlán in the highlands of Guatemala.

There are conflicting reports on how long Duarte had been in Guatemala, with Guatemalan official sources suggesting that he had been in the Central American country just a few days. However, according to the Televisa news network, Duarte has been in Guatemala since October. He is said to have entered Guatemala through Tapachula, in Chiapas state, establishing a base of operations in Guatemala City, allegedly with the help of Oaxaca entrepreneur Sergio Castro López.

Mexican authorities learned of Duarte's whereabouts in November 2016 during the arrest of Mario Medina Garzón, an associate of the former governor. Medina, who was detained in Chiapas as he was about cross into Guatemala, was carrying two falsified passports with the pictures of Duarte and Duarte's wife, Karime Macías Tubilla, as well as US\$7,500 in cash, supposedly intended for the former governor.

"The arrest was key because of what he told authorities and what his cell phone revealed," Noticias Televisa reported.

With the help of Guatemalan authorities, Mexico's investigative agency (Centro de Investigación y Seguridad Nacional, CISEN) quietly monitored Duarte's movements while waiting for the appropriate time to take him into custody.

Mexico finally presented a request to the Guatemalan government to detain Duarte, and he was arrested in Panajachel on the same day, said Guatemalan Foreign Relations Minister Carlos Raúl Morales.

According to Pablo Castillo, a spokesperson for Guatemala's national police force (Policía Nacional Civil, PNC) Duarte did not offer any resistance during the arrest. "The exchange of information, a product of the cooperation between Mexican and Guatemalan security institutions, resulted in the investigation that yielded Duarte's arrest," Castillo told Mexico's official news agency, Notimex.

How long Duarte will remain in Guatemalan custody before he is sent to Mexico to face trial is unclear. Some officials believe the process could take only two months, while others say it could be as long as one year.

“The process is moving at a slow pace in the Guatemalan justice system,” according to the daily newspaper El Universal. “There is the possibility that the former political fugitive will employ several maneuvers to delay his repatriation to Mexico.”

The PGR’s Elías Beltrán said the important fact is that Duarte is in custody. “Now, we’re going after the money that he stole from the citizens of Veracruz. We are going to make an intense effort to recover everything that was taken,” he said.

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