

ACTION WHA-00

INFO	LOG-00	MFA-00	EEB-00	AF-00	AID-00	AMAD-00	CPR-00	
	INL-00	DODE-00	DOTE-00	PERC-00	DS-00	DHSE-00	OIGO-00	
	FAAE-00	VCI-00	DIAS-00	FRB-00	TEDE-00	INR-00	IO-00	
	LAB-01	L-00	ARMY-00	MOFM-00	MOF-00	VCIE-00	NSAE-00	
	ISN-00	OIC-00	OIG-00	NIMA-00	OPR-00	ISNE-00	DOHS-00	
	FMPC-00	IRM-00	SSO-00	SS-00	NCTC-00	ASDS-00	R-00	
	SCRS-00	DSCC-00	PRM-00	DRL-00	NFAT-00	SAS-00	FA-00	
	SWCI-00	PESU-00	/001W					

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FM AMEMBASSY GUATEMALA

RELEASED IN PART B1,1.4(D)

TO SECSTATE WASHDC IMMEDIATE 0850

INFO WHA CENTRAL AMERICAN COLLECTIVE IMMEDIATE

DIA WASHINGTON DC IMMEDIATE

CDR USSOUTHCOM MIAMI FL IMMEDIATE

DEPT OF JUSTICE WASHINGTON DC IMMEDIATE

USMISSION USUN NEW YORK IMMEDIATE

FBI WASHINGTON DC IMMEDIATE

DEA HQS WASHINGTON DC IMMEDIATE

CIA WASHINGTON DC IMMEDIATE

AMEMBASSY MEXICO IMMEDIATE

Classification Extended on : 11/14/2012 ~  
Class: CONFIDENTIAL ~ Authority: DSCG  
11-1 ~ Declassify on: 01/26/2035

C O N F I D E N T I A L GUATEMALA 000027

SIPDIS

E.O. 12958: DECL: 2020/01/26

TAGS: PGOV, KCRM, ASEC, SNAR, PREL, PINR, GT

SUBJECT: Former President Portillo Captured, Refuses Extradition

CLASSIFIED BY: Drew G. Blakeney, Political and Economic Counselor,  
State, P/E; REASON: 1.4(B), (D)

1. (C) Summary. Former Guatemalan President Alfonso Portillo, indicted in the U.S. on money laundering charges and a fugitive from justice, was captured Jan. 26 as he was about to flee to Belize. The capture was the result of a joint operation involving CICIG, the Attorney General's Office, the Army, and the Police.

Portillo was brought before a judge in the capital within the six-hour constitutional limit. CICIG told Portillo he had the option of accepting an expedited proceeding that would lead to his quick extradition to safety in the U.S. Portillo refused, saying he preferred to face justice in Guatemala. Portillo's arrest is a powerful message for Guatemalans that no one is above the law. End Summary.

1.4(D)  
B1

REVIEW AUTHORITY: Donna M. DiPaolo, Senior Reviewer

2. (C) Following former Guatemalan President Alfonso Portillo's indictment in the Southern District of New York on money laundering charges, and the USG's request for Portillo's provisional arrest, authorities conducted several unsuccessful raids in eastern Guatemala Jan. 23-25 to apprehend him. However, Portillo was captured Jan. 26 in a joint operation led by the International Commission Against Impunity in Guatemala (CICIG) that included the Attorney General's Office, Army, and National Civilian Police (PNC).

[REDACTED]

1.4(D)  
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CICIG Commissioner Castresana briefed the Ambassador, DCM, and Pol/Econ Counselor on the afternoon of Jan. 26, and said investigators had traced Portillo through six safe houses to a house near Punta Manabique, on the tip of the Amatique Bay Peninsula, a short boat ride from Belize. Castresana said Portillo was just minutes away from fleeing to Belize.

[REDACTED]

1.4(D)  
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3. (C) Castresana said immediately following his apprehension, Portillo was presented a choice: The Attorney General's Office and co-plaintiff CICIG could offer him a reduced sentence in Guatemala for his embezzlement of state funds during his presidency (which would require him to return 3 million Euros CICIG discovered in the Portillo Family's European accounts), followed by immediate extradition to the U.S. to face money laundering charges, which could carry a 10-20 year prison sentence. The USG now has 40 days to present its extradition request. Portillo's other choice would be to remain in detention at Guatemala City's dangerous Zone 18 Prison as he contested Guatemalan criminal charges as well as extradition to the U.S.

[REDACTED]

1.4(D)  
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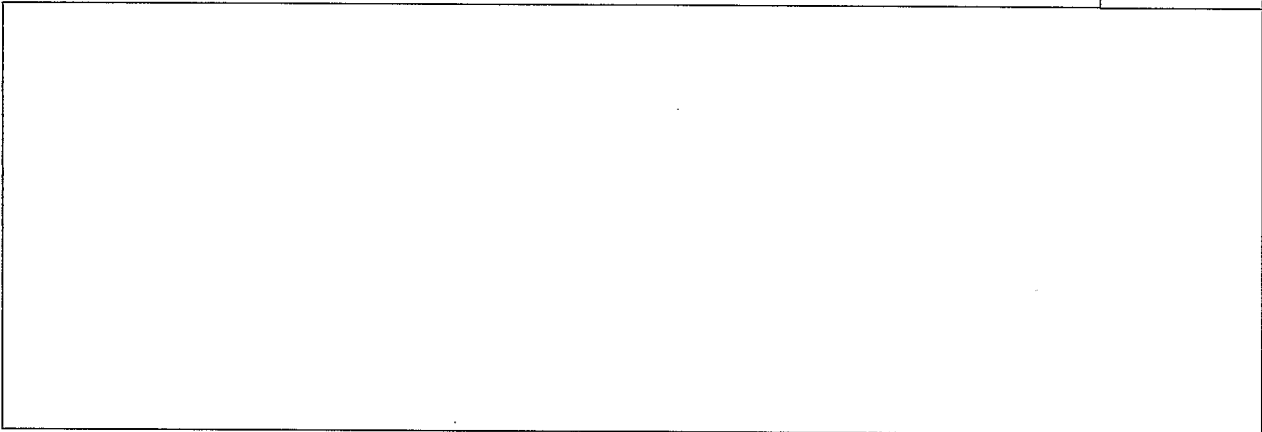
Castresana said Portillo had immediately rejected voluntary extradition to the U.S., saying he would make his case in Guatemala. This tracks with earlier statements made by Portillo's lawyer, Telesforo Guerra.

[REDACTED]

1.4(D)  
B1

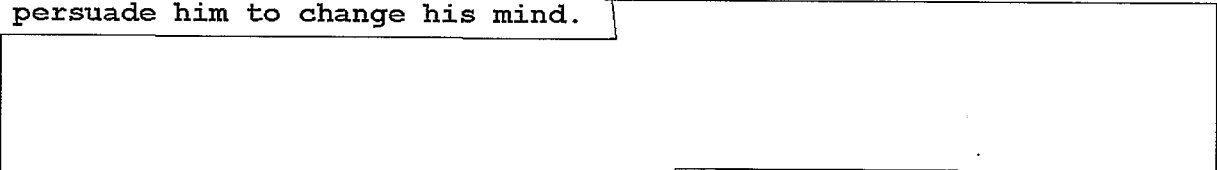
4. (C) Castresana told the Ambassador that, as a fugitive from justice, Portillo is now barred from seeking public office.

(Comment: Several small parties with constituencies in Portillo's home district in eastern Guatemala were interested in running him for Congress in Fall 2011; election to Congress would have conferred immunity from criminal prosecution. End Comment.)



1.4(D)  
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5. (C) Comment. Portillo's capture is a major victory for CICIG, the USG, the Attorney General's Office, and for the rule of law in general. It is a powerful message that no one is above the law, even ex-presidents, and that actions have consequences. It also punctures the myth that the powerful can always escape justice. It is, however, a victory that Portillo and criminal gangs will seek to overturn. Portillo's first response to CICIG was that he would fight extradition in Guatemalan courts, though it is possible that the risks associated with incarceration here will eventually persuade him to change his mind.



1.4(D)  
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The Embassy will remain vigilant, and will continue its joint efforts with CICIG.

MCFARLAND

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