

ACTION WHA-00

INFO LOG-00 MFA-00 EEB-00 AID-00 AMAD-00 RPPR-00 CIAE-00
 CPR-00 INL-00 DNI-00 DODE-00 DOTE-00 PERC-00 DS-00
 OIGO-00 FAAE-00 VCI-00 DIAS-00 FRB-00 TEDE-00 INR-00
 IO-00 ARMY-00 MOFM-00 MOF-00 VCIE-00 NSAE-00 ISN-00
 OIC-00 OIG-00 NIMA-00 OPR-00 ISNE-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 /000W

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R 232359Z JUN 10
 FM AMEMBASSY GUATEMALA
 TO SECSTATE WASHDC 1883
 INFO WHA CENTRAL AMERICAN COLLECTIVE
 DIA WASHINGTON DC
 CDR USSOUTHCOM MIAMI FL
 DEPT OF JUSTICE WASHINGTON DC
 USMISSION USUN NEW YORK
 FBI WASHINGTON DC
 DEA HQS WASHINGTON DC
 AMEMBASSY MEXICO

RELEASED IN PART
 B1,1.4(D),B7(A), B7(B)

Classification Extended on : 11/14/2012 ~
 Class: CONFIDENTIAL ~ Authority: DSCG
 11-1 ~ Declassify on: 06/22/2035

C O N F I D E N T I A L GUATEMALA 000187

SIPDIS

E.O. 12958: DECL: 2020/06/23
 TAGS: PGOV, PREL, ASEC, KCRM, PINR, MX, GT
 SUBJECT: Constitutional Court Confirms that Former President Portillo
 Can Be Extradited

REF: GUATEMALA 27; GUATEMALA 89

CLASSIFIED BY: Stephen G. McFarland, Ambassador, DOS, EXEC; REASON:
 1.4(B), (D)

1. (U) On June 23, the Constitutional Court affirmed a lower
 court ruling that former

President Alfonso Portillo may be extradited to the United States
 to face prosecution on charges of money-laundering. Following
 Portillo's capture on January 26, 2010, the Fifth Penal Court ruled
 that Portillo could be extradited to the United States. Portillo's
 attorneys immediately appealed to the Constitutional Court claiming
 that Portillo's extradition violated Guatemala's constitution (refs
 A, B). Now that this claim has been rejected, the case will be
 returned to the Appellate Court to approve or reject the
 extradition request. Attorneys from the International Commission
 Against Impunity in Guatemala (CICIG) who have been working with

REVIEW AUTHORITY: Donna M. DiPaolo, Senior Reviewer

UNCLASSIFIED U.S. Department of State Case No. F-2010-02750 Doc No. C17518077 Date: 11/14/2012
Guatemalan prosecutors on the Portillo case note that the Appellate Court is not subject to a timeline. Consequently, a decision could be two to three months away. However, Portillo is also facing charges for embezzling approximately \$15 million through the Ministry of Defense. A hearing on these charges is scheduled for June 25. Most recently, Portillo's attorneys have argued that CICIG lawyers assigned to assist Guatemalan prosecutors in this case do not have licenses to practice law in Guatemala and, therefore, should not be allowed to participate.

2. (C) Comment:

1.4(D)
B1
B7(A)
B7(B)

MCFARLAND

NNNN