

This article was written by the regional security officer at the U.S. Embassy in Lima, Peru, and appeared in the May/June 2003 issue of *Update*, the Bureau of Diplomatic Security's newsletter.

RSO Lima Plays Central Role in Capture and Extradition of Two Fugitives

The Regional Security Office in Lima played a key role in the recent capture and extradition of two fugitives to the United States, both of whom were wanted on a variety of pedophile charges in Texas and Florida. These individuals join a long list of criminals who have fled to Latin America. They believed that American law enforcement agencies could not find them or that the host countries' legal systems would not easily allow them to be returned to the United States.

Ernesto Gavidia is a Peruvian national who originally entered the United States illegally almost 15 years ago. Gavidia resided in Florida, where he managed to adjust his immigration status, become a permanent resident, and father four children with two different women. After divorcing his second wife, Gavidia began dating another woman who had a 9-year-old daughter. According to legal documents filed by the State of Florida, Gavidia forced the young girl to have sexual relations with him over a 6-month period. Upon returning home one day, the mother noticed the girl was suffering from suspicious injuries, and she and Gavidia rushed the girl to the hospital for treatment.

According to investigators, Gavidia had the mother stop at a travel agency on the way to the hospital long enough for him to purchase a one-way ticket to Peru. At the hospital, medical personnel noted that the girl was suffering injuries consistent with a sexual assault and immediately notified police. However before police arrived,

Gavidia slipped away and was later discovered to have boarded a flight to Lima. Florida law enforcement officials and FBI agents soon filed a host of criminal charges against Gavidia, and news of his alleged actions made its way to the legal attaché in Santiago, Chile, whose area of responsibility includes Peru and Bolivia.

Our office in Lima received this information from the FBI, and we immediately began coordinating with the Peruvian National Police (PNP) to locate and arrest Gavidia. We also began working with the Department of Justice's Office of International Affairs and the embassy's consular section to ensure that appropriate papers were filed with the Government of Peru.

The PNP located Gavidia living at his mother's house not far from the embassy. He was arrested on November 17, 2002, when he emerged from a local polling station after voting in a national election. Peruvian law requires that all eligible citizens vote. Embassy investigators and PNP officers rightly assumed Gavidia would appear to vote that day. Armed with his photo, an embassy investigator and the PNP patiently waited outside the building and positively identified Gavidia when he walked out. They swiftly moved in and, after a brief struggle, subdued and transported him to the Interpol office. They then called to advise me of the arrest and offered to make Gavidia available for an interview. When I met

CONTINUED ON PAGE 2



with Gavidia, I read him his Miranda Rights and asked if he understood. He did, signed a waiver of his rights, and spelled out in lurid detail that he was indeed guilty of the charges against him.

Gavidia expressed his desire to waive extradition and leave Peru immediately. Unfortunately, the Peruvian judicial system would not allow him to leave without a full extradition review, and the United States was therefore compelled to file a formal extradition request. The Peruvians agreed to detain Gavidia until their ruling, and he was packed off to one of Lima's more notorious prisons to await his fate.

While Gavidia languished in jail, another fugitive appeared on the radar screen of the security office in Lima. American citizen Jon Baughman was wanted in Waco, Texas, for child pornography, sexual molestation of a child, and unlawful flight. According to Texas authorities, Baughman was living in Peru. They passed the information to the FBI, whose Santiago office called to ask for our assistance. The FBI provided a briefing and a wealth of leads, reporting that they had reliable information that Baughman was living in a small coastal village in northern Peru.

We brokered a payment of \$500 from the U.S. Marshals to the PNP, allowing their cash-strapped officers to drive 14 hours up the coast to verify that Baughman was indeed living in the area. Upon their return, they indicated they had located him but could not make an arrest because there was no provisional arrest warrant. However, the PNP ingeniously worked with Peruvian immigration officials to order Baughman deported from the country as an undesirable and provided us with copies of the deportation order.

To make matters more interesting, the PNP had to move quickly; they had learned that Baughman was soon planning to marry a Peruvian citizen, which would greatly complicate deportation proceedings. PNP officers once

again piled into their vehicle and made the long drive north to the small fishing village where Baughman ran a restaurant and was living with his intended bride. The PNP staked out his restaurant and arrested him the day before the wedding. They then loaded him into the car and made the long return trip to Lima. We worked with the Marshal's International Operations office to coordinate the travel of two deputy U.S. marshals who would fly to Peru and back with Baughman, arresting him upon their arrival in Texas. Baughman was placed on an American Airlines flight to Dallas under the watchful eyes of the two marshals, who later reported that Texas officials were waiting in the jetway to take him back to Waco.

Meanwhile, Gavidia's odyssey drew to a close. His case worked its way through the complex Peruvian legal system and the Peruvian supreme court finally ordered him extradited to the United States.

Regional Security Office Lima repeated its liaison with a variety of Department of Justice, Peruvian, and State Department officials to ensure Gavidia was returned to Florida. Once again, we worked with the Marshals to ensure that two deputy U.S. marshals came to Peru to take Gavidia back. Everything was in order the morning of April 3, 2003, for Gavidia's return. The Department of Homeland Security sent all the necessary paperwork to Embassy Lima for Gavidia's use in reentering the United States, including a parole letter for the airlines in Lima and border inspectors in Miami. However, the PNP failed to obtain the necessary travel documents that would allow Gavidia to depart Peru. After harried phone calls were made by both Interpol and the Regional Security Office in Lima to the general heading up Peruvian immigration, permission was finally granted for him to depart.

This led to some anxious moments on the tarmac on behalf of the airline, which was trying to get its fully loaded plane out



Behind the Scenes

Page 3

of Lima on time. Just before the LanChile ground manager's patience with the local police ran out, PNP and airport security officials came speeding around the corner in their vehicles and screeched to a halt in front of the aircraft's rear stairway. The marshals hustled Gavidia up the stairs and onto the airplane. LanChile employees closed the rear hatch immediately behind them, pulled the stairs away, and pushed the plane back for its on-time departure to Miami, where Gavidia was delivered to Florida authorities after more than 2 years on the run. Interestingly,

Gavidia managed to thank me and my colleagues for helping get him back to the United States as the marshals took him up the stairs.

Obviously, the Regional Security Office in Lima cannot take sole credit for ensuring these two fugitives were returned to the United States to face justice. Any extradition takes the combined efforts of many agencies and individuals who help the Bureau of Diplomatic Security continue to prove that the arm of American justice has a long reach. 