STRENGTHENING SECURITY AND THE RULE OF LAW IN MEXICO

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THE WESTERN HEMISPHERE, CIVILIAN SECURITY,
AND TRADE
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STRENGTHENING SECURITY AND THE RULE OF LAW IN MEXICO

Wednesday, January 15, 2020

The subcommittee met, pursuant to notice, at 2:04 p.m., in room 2172, Rayburn House Office Building, Hon. Albio Sires (chairman of the subcommittee) presiding.

Mr. Sires. This hearing will come to order. This hearing, entitled "Strengthening Security and the Rule of Law in Mexico," will focus on U.S. policy toward Mexico, U.S. Security Assistance programs, and Mexico's progress in strengthening its justice sector institutions, combating corruption and protecting human rights.

Without objection, all members may have 5-days to submit statements, questions, and extraneous materials for the record, subject to the length limitation in the rules.

I will now make an opening statement and then turn it over to the ranking member for his opening statement.

Good afternoon, everyone. Thank you to our witnesses for being here today. I have been sickened to watch in recent months as Mexico has experienced one violent incident after another. In October, the Sinaloa cartel took control of the city of Culiacan, shooting people dead, striking terror into the population, and ultimately forcing the release of El Chapo's son, Ovidio Guzman. That same week, 13 police officers were ambushed and viciously murdered by cartel members in Michoacan. In November, a group of American citizens were attacked on their way to a wedding in Chihuahua. Nine people were brutally killed, including six children.

Unfortunately, these cases are just the tip of the iceberg. Mexico's homicide rate has increased by 30 percent over last year's, reaching its highest level in decades. Meanwhile, targeted attacks against journalists, human rights defenders, and local public officials have continued. During just one week in August, three journalists were killed.

Murders of journalists and human rights defenders, like most homicides in Mexico, are rarely solved. In fact, the majority of crimes are never even reported, due to citizens' lack of faith in the justice system.

I have long been a proponent of U.S. assistance to Mexico, to help strengthen its democratic institutions, combat corruption, defend human rights, and improve security. I believe that Mexico and the United States have a shared responsibility to reduce violent
crimes and improve quality of life for those living on both sides of the border.

The U.S. Government must address issues within our own country that are helping to fuel cartel violence. For instance, the U.S. must enact much stricter gun laws in order to combat arms trafficking into Mexico. We should also dedicate further resources to stop money laundering by the cartels. And we need to take action to reduce U.S. demand for illegal drugs, including Fentanyl and other opioids.

In 2018, three colleagues and I requested that the Government Accountability Office review the effectiveness of our assistance under the Merida Initiative. Since 2008, the U.S. Congress has appropriated $3 billion through the Merida Initiative.

As Members of Congress, we need to be willing to look critically at which programs are working, and which are not. I know that many of my colleagues share my frustration that we have not made more progress under the Merida Initiative. I hope that this hearing and a subsequent hearing with Administration officials in February will help us develop a clearer sense of what next steps we should take. I look forward to working with my colleagues on a bipartisan basis to explore solutions to these difficult challenges.

Thank you. And I now turn to the Ranking Member Rooney for his opening statement.

[The prepared statement of Mr. Sires follows:]
Opening Statement –
“Strengthening Security and the Rule of Law in Mexico”
Wednesday, January 15, 2020

- Good morning everyone and thank you to our witnesses for being here today.

- I have been sickened to watch in recent months as Mexico has experienced one violent incident after another.

- In October, the Sinaloa cartel took control of the city of Culiacan, shooting people dead, striking terror into the population, and ultimately forcing the release of El Chapo’s son, Ovidio Guzman.

- That same week, thirteen police officers were ambushed and viciously murdered by cartel members in Michoacan.

- In November, a group of American citizens were attacked on their way to a wedding in Chihuahua.

- Nine people were brutally killed, including six children.

- Unfortunately, these cases are just the tip of the iceberg.

- Mexico’s homicide rate has increased by thirty percent over the last three years, reaching its highest level in decades.

- Meanwhile, targeted attacks against journalists, human rights defenders, and local public officials have continued.

- During just one week in August, three journalists were killed.

- Murders of journalists and human rights defenders, like most homicides in Mexico, are rarely solved.

- In fact, the majority of crimes are never even reported due to citizens’ lack of faith in their justice system.

- I have long been a proponent of U.S. assistance to Mexico to help strengthen its democratic institutions, combat corruption, defend human rights, and improve security.
- I believe that Mexico and the United States have a shared responsibility to reduce violent crime and improve quality of life for those living on both sides of our border.

- The United States Government must address issues within our own country that are helping to fuel cartel violence.

- For instance, the U.S. must enact much stricter gun laws in order to combat arms trafficking into Mexico.

- We should also dedicate further resources to stop money laundering by the cartels.

- And we need to take action to reduce U.S. demand for illegal drugs, including fentanyl and other opioids.

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- Since 2008, the United States Congress has appropriated three billion dollars through the Merida Initiative.

- As members of Congress, we need to be willing to look critically at which programs are working and which are not.

- I know that many of my colleagues share my frustration that we have not made more progress under the Merida Initiative.

- I hope that this hearing and a subsequent hearing with administration officials in February will help us develop a clearer sense of what next steps we should take.

- I look forward to working with my colleagues on a bipartisan basis to explore solutions to these difficult challenges.

- Thank you and I now turn to Ranking Member Rooney for his opening statement.
Mr. Rooney. Thank you, Chairman Sires, for holding this very important and timely hearing on the security situation in Mexico. The relationship with Mexico is among the most important strategic relationships for the United States. Our two countries are bound by strong economic, historic, and cultural ties. Due to its geographic proximity, what occurs in Mexico has a direct impact upon the United States. But sadly, we have seen the negative impact from continued violence and the deteriorating security situation in Mexico, largely driven by the drug cartels.

Security cooperation is a critical component of the U.S.-Mexico relationship, and it is important that we examine the security conditions in Mexico and our security assistance, to identify what has been effective and what we clearly see that has been ineffective in addressing Mexico’s challenges.

I am deeply concerned about recent events in Mexico that have resulted in the deaths of nine U.S. citizens, including three children, at the hands of the Mexican drug cartels. These events highlight the continued security challenges facing Mexico and the need for the United States and Mexico to take necessary steps to address them.

Moreover, the Mexican people are terrorized by these cartels, too. Daily, they are intimidated, extorted, and they fight corruption and unnecessary violence. Sadly, this has been the case for decades. And there is much uncertainty surrounding Mexico’s security policy and the effectiveness of security assistance. It is not for anything that they have something called express kidnappings in Mexico.

Despite the efforts of previous Mexican Administrations to combat the cartels and address security, 2019 saw a 30 percent increase in Mexico’s homicide rate, much of it driven by drug-related crime. Further, the cartels are constantly evolving and have expanded their drug trade to supply the surge in U.S. demand for methamphetamine, heroin, and synthetic opioids. I recommend the book Dreamland, if you are interested in reading more about opioids, heroin, and the Nayarit cartel.

Further, we must acknowledge that the flow of illegal weapons from the United States to Mexico is contributing to the violence. This is just but one component. Security challenges, systemic corruption, impunity, and economic challenges, are also driving violence in Mexico.

Since 2000, the United States has provided roughly $3 billion in security assistance for Mexico under the Merida Initiative. From 2014 to 2018, U.S. Security Assistance has focused on rule of law, anticorruption and human rights in Mexico.

However, under the Trump Administration, an increased focus has been placed on attacking the business model of Mexican cartels, and on combating the increased trade in opioids and synthetic drugs. This is a positive and necessary step, yet there is much more that needs to be done, but in doing so requires that the United States’ assistance complement Mexico’s security infrastructure and ensure that U.S. priorities are addressed.

Mexican President Manuel Lopez Obrador has taken steps to streamline Mexico’s security forces, and has created a new National Guard, which is focused on security, and is expected to reach 92,000 troops. This force has also supported immigration enforce-
ment, a welcome development, given the crisis at our southern border.

President Lopez Obrador has also prioritized anticorruption and human rights, but the recent surge in violence and increased homicide rate raise questions about the government’s real commitment to dealing with these challenges. It is critical that the Mexican Government clearly communicate the steps which are being taken to address these problems, and present a comprehensive security strategy.

For its part, the United States should explore ways to modernize security assistance under Merida, and recognize the areas where it has been ineffective. Continued intelligence sharing, capacity building, the provision of technology and equipment, are all critical. We should also review our coordination on border security and where we can support Mexico’s efforts to carry out inspections and screenings at the border checkpoints.

The U.S.-Mexico security relationship has come a long way, but we must continue to build that relationship on a foundation of trust and cooperation. It is a joint responsibility which will serve the interests of both of our countries.

Thank you, Mr. Chairman.

Mr. SIRES. Thank you very much, Ranking Member Rooney.

I will now introduce Dr. David Shirk, professor of political science, and graduate director for the Master’s and International Relation Programs at the University of San Diego. Dr. Shirk’s research focuses on U.S.-Mexico relations and border politics. He is the principal investigator for the Justice in Mexico project, which analyzes the trends and challenges related to crime, violence, and justice sector reform.

Dr. Shirk, we welcome you to the hearing.

Dr. SHIRK. Thank you so much.

Mr. SIRES. I need to do the other. I just want to introduce the other two members.

Dr. Shirk. Oh, I am so sorry.

Mr. SIRES. We will then hear from Ms. Maureen Meyer, Director for Mexico and Migrant Rights at the Washington Office on Latin America. Ms. Meyer analyzes U.S.-Mexico security policies and their relation to organized crime, corruption, and human rights violations in Mexico.

Ms. Meyer is a member of the Mexican-based Collective for Analysis of Security with Democracy, and previously worked for 5 years in Mexico City with the Miguel Agustin Pro Juarez Human Rights Center.

Ms. Meyer, thank you for joining us.

Finally, we will hear from Mr. Richard Miles, a senior associate of the Americas Program at the Center for Strategic and International Studies. Mr. Miles has 20 years of experience as a State Department Foreign Service officer, and as an intelligence officer with the U.S. Army. He was the alternate representative to the Organization of American States, and adviser on Western Hemisphere affairs to the Under Secretary for Political Affairs, and director for Mexican and Canadian issues on the National Security Council staff.

Mr. Miles, thank you for being here and joining us today.
We will now hear from our witnesses. Please keep your remarks to 5 minutes. And, Dr. Shirk, you want to begin?

STATEMENT OF DR. DAVID SHIRK, PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF SAN DIEGO

Dr. SHIRK. Thank you, Chairman Sires. Thank you, Ranking Member Rooney, and thank you to all the honorable members of the committee for your invitation to be here today, and for your attention to this vital issue. I have been working on this issue for nearly two decades, and I am also deeply worried and saddened by the evident worsening of conditions in Mexico.

As the chairman mentioned, Mexico has experienced elevated levels of violent crime for more than a decade, and while final figures are still being tabulated by Mexico's security agencies, the number of homicide cases reported for 2019 increased to a record 34,000 victims reported by the National Public Security System for 2019, which is an increase from the over 33,000 victims reported in 2018, and over 28,000 reported in 2017, all record years.

While clearly appalling, such aggregate statistics do not quite capture the picture as well as each individual case, as we saw, unfortunately, on November 4, 2019, with the killing of three women and six children with dual U.S.-Mexican citizenship in two ambush attacks by an organized crime group in northern Mexico. The victims ranged in age from 8 months to 43 years. And as the chairman mentioned, it is illustrative of the horrific nature of the violence that is pervasive and daily, with an estimated one murder every 15 minutes in Mexico in 2019.

There are numerous and complex factors that have contributed to this violence, including chronic macro level systemic issues, some of which have been mentioned, lack of economic opportunities, lack of education, social problems like domestic violence and substance abuse.

Unfortunately, these larger systemic problems, while important, do not readily explain the sharp variations and increases in the level of violence from month to month or from place to place, and we need to look at more recent developments and changes to understand the violence of the past few years. One important change are the market shifts and innovations in the production of illicit goods, including the distribution of methamphetamine and Fentanyl, as mentioned by Ranking Member Rooney.

We also, unfortunately, have seen the policy of targeting high-level criminal leaders for arrest through the strategy known as the kingpin strategy having unintended consequences of contributing to the cycle of splintering, diversification, competition and violence among criminal organizations.

We also must recognize that the recent governmental transition in Mexico has had disruptive effects. In 2018, there were an unprecedented number of Mexican Federal, State, and local offices up for grabs, resulting in the largest turnover in public office in modern Mexican history.

With all these factors in mind, it is clear that Mexico needs the continued support and cooperation of the United States, which, as the chairman mentioned, has a shared responsibility to help address these issues.
I make several recommendations in my written testimony, so I will just point to a few in the minute or so that I have remaining. One is, I think, the clear need to assist Mexico in developing better long-term comprehensive criminal investigations to ensure successful prosecutions targeting not only drug kingpins, but all levels and branches of criminal enterprises, including corrupt politicians and private sector money laundering operations.

A second one that has also been mentioned, of course, is the need to strengthen controls to prevent illegal exports of firearms to Mexico, but also the seepage of firearms from Mexico's law enforcement and military institutions into usage by organized crime groups. I, also, in my written testimony, point to the need for better controls on money laundering and drug trafficking and other organized crime group financial operations as well as the need to prevent blowback from the elevated numbers of U.S. deportations of criminal aliens to Mexico. I believe that the U.S. Government should work more closely with our foreign counterparts to prevent repatriated criminal aliens from becoming new recruits for organized crime in Mexico and Central America.

Finally, I will point to the need to really evaluate what is happening in drug policy here in the United States and around the world, through independent assessment to evaluate the fiscal and social impacts of drug decriminalization and legalization. As we have seen with Congressman Engel's Western Hemisphere Drug Policy Advisory Group, it is urgent that we consider what is going on with the changing markets for drugs. Thank you.

[The prepared statement of Dr. Shirk follows:]
THE RESURGENCE OF VIOLENCE IN MEXICO
Testimony for the Sub-Committee on Subcommittee on the Western Hemisphere, Civilian Security, and Trade hearing on “Strengthening Security and the Rule of Law in Mexico”
Wednesday, January 15, 2020 in Room 2172, Rayburn House Office Building
by
Dr. David A. Shirk
Graduate Director, Masters in International Relations Program, University of San Diego
Principal Investigator, Justice in Mexico
Global Fellow, Mexico Institute, Woodrow Wilson International Center for Scholars

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THE RESURGENCE OF VIOLENCE IN MEXICO

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Mexico’s Resurgence of Violence

Mexico has experienced elevated levels of violent crime for more than a decade. The number of intentional homicides documented by Mexico’s National Institute of Statistics, Geography, and Information (INEGI) declined significantly under both presidents Ernesto Zedillo (1994-2000) and Vicente Fox (2000-2006), but rose dramatically after 2007, the first year in office for President Felipe Calderón (2006-2012).1 Over the course of the Calderón administration, more than 120,000 people were killed and the national murder rate rose from 8.1 in 2007 to 22.6 in 2012 (an average more than 53 people per day, or two people every hour). Over that period, no other country in the Western Hemisphere had seen such a large increase either in its homicide rate or in the absolute number of homicides.

After a brief lull from 2012-14, Mexico has seen a dramatic resurgence of violence, with homicides rising to record levels. While final figures are still being tabulated by the Mexican government’s National Public Security System (SNSP), the number of homicide cases reported for 2019 increased to a record 34,000 victims, up from the previous peaks of 33,341 victims in 2018 and the 28,734 in 2017.2 As a result, there has been a substantial increase in Mexico’s homicide rate to more than 30 murders per 100,000 in 2018, the last year for which homicide data are available from Mexico’s national statistical agency.3 This means that Mexico’s homicide rate has become higher than “average” for the Americas, now rivaling those last reported by the UNODC for Brazil and Colombia. In 2019, the number of murders rose to nearly 99 per day, or roughly 4 murders per hour.

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1 While homicide is just one indicator of violent crime, it is the most consistently reported and arguably has the greatest societal impact.
2 Estimates for 2019 are based on preliminary national data reported by SNSP January through November, with an author’s estimate for December. Final figures will be reported by SNSP in the coming weeks, and a separate dataset will be released in mid-2020 by INEGI, Mexico’s national statistics agency. Other experts estimate the final tally to be in excess of 36,000 homicides. “2019 cerrará con 36,000 homicidios y solo 1 de cada 10 se castiga,” Expansión, December 3, 2019.
3 By the calculations of the Justice in Mexico program, the homicide rate in 2019 increased to at least
While clearly appalling, such statistics are difficult to comprehend without considering the human toll. Recent events highlight the most tragic events in Mexico’s recent violence was the November 4, 2019 killing of three women and six children with dual U.S.-Mexican citizenship in two ambush attacks by an organized crime group in Northern Mexico. The victims ranged in age from 8 months to 43 years old. In total, eight children survived the attacks, five with injuries, including infant Faith Marie Johnson, who survived in a car seat; her mother appears to have placed on the floor of the vehicle.

Specifically, as possible culprits, Mexican authorities identified two groups. The first is the Sonoran-based criminal organization known as “Los Salazar,” a group allegedly founded in the 1990s by Adán Salazar Zambrano and affiliated with the Sinaloa Cartel. The second is the Chihuahua-based organization known as “La Línea,” an enforcer group long associated with the Juárez Cartel and allegedly headed by Roberto “El Mudo” El 32” González Montes. Working with U.S. law enforcement to investigate the crime, authorities have also made a series of arrests of suspects, including a local police chief. While initially reported as a case of mistaken identity, it appears that the family was specifically targeted to send a message in a turf war between the two groups.

4 The families were members of the LeBarón family and an offshoot of the Mormon Church that had migrated to Mexico decades earlier, and appeared to be victims of criminal organizations operating in the Northern Mexican states of Sonora and Chihuahua. The first attack targeted the vehicle carrying Rhonda Maria Miller (30), who was traveling with four of her children: Howard Jacob Miller (12), Kristal Bellaine Miller (10), and twin babies named Tia Alvin Miller and Tiana Griel Miller (8 months old). The second attack lasted two days, involving Christina Marie Langford (31) and her daughter Faith Marie Johnson (reportedly 8 or 8 months old), as well as Daven Ray Langford (43) and her nine children: Trevor Harvey Langford (11), Ragan Jay Langford (2), and seven others. Langford, Johnson, and the two named boys were killed, while the others survived. Rynes Richardson, “They Knew That It Was Women and Children: Families of Those Involved in Ambush Search for Answers,” St. George News, November 5, 2019. https://www.stgeorgenews.com/news/archive/2019/11/05/they-knew-that-it-was-women-and-children-families-of-those-involved-in-ambush-search-for-answers/391b5f33-cb6d-5f34-baf9-a.png (Accessed January 13, 2019).

5 Los Salazar plaza chief Sergio Alberto “El Napoleón” del Villar Salazar was killed in Hermosillo on August 8th, destabilizing the organization and contributing to a wave of violence in the state of Sonora. María Alejandra Navarrete Porro. “Narco Funeral Draws Attention to Los Salazar in Mexico,” Insight Crime, August 20, 2019.


7 The first arrest was reported on November 6, though the suspect was later deemed unrelated to the crime. On December 1, Secretary Durazo reported the arrest of two brothers, named Héctor Mario Hernández and Luis Manuel Hernández. On December 24, authorities of the federal Fiscalía General de la República arrested Fidel Alejandro Villegas Villegas (known as “El Chiquillín”), for alleged ties to organized crime (possibly the La Línea organization) in the municipality of Janos, Sonora.

8 Specifically, Los Salazar reportedly warned the LeBarón family not to purchase fuel from their La Línea rivals in Chihuahua. Thus, the attack against the LeBarón may have been a retaliatory strike by La Línea to assert their territorial claims. Parker Asmann, “How Mexico’s ‘Small Ammies’ Came to Commit a Massacre,” Insight Crime, November 15, 2019. https://www.insightcrime.org/news-analysis/how-mexico-small-ammies-commit-massacre/ (Accessed January 13, 2019).
Tragically, this local turf war resulted in a senseless act of violence that added to the hundreds of thousands that have died over the last decade in Mexico’s seemingly unending violence. The November 4 massacre marked a new low point in the drug war in Mexico. It has no bright side and offers little cause for hope, but it does present an opportunity to reassess the problems that Mexico is currently facing, and the policy options available to the U.S. and Mexican governments to cooperate in combating organized crime.

Contributing Factors: Systemic and Strategic Considerations

There are numerous, complex factors that have contributed to Mexico’s elevated levels of violence over the last decade. Some of these factors have to do with chronic, macro-level, systemic issues. The larger issues require careful consideration and have been studied in greater depth and detail than can be provided in this discussion. For example, research suggests that part of the problem has to do with underlying structural factors, including a lack of educational and employment opportunities, as well as social problems like domestic violence and substance abuse. At the same time, there are institutional factors that contribute to rampant criminal impunity and recidivism—including deeply flawed police, judicial, and penitentiary institutions—which allow the vast majority of crimes to go unsolved, while the few people convicted of crimes are rarely rehabilitated to return as contributing members of society. There are also international factors, including the demand for drugs in the United States and Europe, as well as the ready availability of powerful firearms imported illegally to Mexico by the United States.

However important, these larger systemic problems do not readily explain sharp variations in the level of violence from month-to-month or place-to-place. The more proximate contributing factors, in this regard, have to do with recent developments and changes that affect the strategic incentives, decisions, and actions of criminal actors. Thus, understanding Mexico’s recent violence requires attention to changing market conditions for illicit drugs, the unintended effects of law enforcement actions, the resulting strategic dynamics among organized crime groups, and also changes in government personnel and policy following Mexico’s 2018 elections.

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1) Market shifts and innovations in the production illicit drugs: Mexico’s criminal organizations are profit-seeking actors that are driven by market incentives. In this sense, they have different strategic motivations from other violent actors, even if they utilize the same—or even more horrifying—tactics employed by insurgents and terrorists. Because organized crime groups are profit seeking actors, market innovations can be highly disruptive, as is the case legitimate industries. However, unlike legitimate businesses, illicit enterprises have no legal recourse to resolve disputes and are more inclined to use violence. Changes in the market for illicit, psychotropic drugs (including the proliferation of synthetic drugs like methamphetamines and fentanyl), have led to a restructuring of Mexican drug production and trafficking networks, resulting in newfound competition and violence. Recent research shows that the proliferation of fentanyl, for example, has greatly reduced the demand for and price of heroin, leading to an enormous loss in profitability for Mexican heroin producers in states like Guerrero and Nayarit and newfound opportunities for groups trafficking in synthetic drugs like the Jalisco New Generation Cartel.

2) The unintended consequences of counter-drug measures: U.S. and Mexican law enforcement actions have had some unintended consequences that have exacerbated violence among Mexican organized crime groups. The policy of targeting high-level leaders for arrest, known as the “kingpin strategy,” has long been questioned by security experts because it often fails to dismantle the mid-level organizational structures and ancillary support (including corrupt government officials and shady finance institutions) that allow organized crime groups to thrive in Mexico, and leads to newfound competition and violence. Arguably, the single most relevant example to explain Mexico’s current violence was the takedown of Sinaloa Cartel leader Joaquín “El Chapo” Guzmán, which has destabilized major drug trafficking organizations, contributing a cycle of splintering, diversification, competition, and violence among organized crime groups.11

3) Changing strategic dynamics among organized crime groups: The last few years have seen greater competition, splintering, and diversification among Mexico’s major organized crime groups, with various rival drug trafficking organization competing with the once-dominant Sinaloa Cartel. With the splintering of major organized crime groups traditionally dedicated to drug trafficking, there has been greater diversification into other types of illicit activities, as splinter groups and emergent criminal organizations seek profitability through extortion, kidnapping, robbery (including fuel theft), and local drug dealing. Compared to large scale, international drug trafficking operations, these less lucrative, more predatory forms

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11 A similar phenomenon happened in the early 2000s, when significant law enforcement blows to the Arellano Felix Organization and the Gulf Cartel (including the extradition of key leaders in each group) and maneuvering by Guzmán against his former allies in the Juárez Cartel and the Beltrán Leyva Organization, enabled the Sinaloa Cartel to establish itself as the country’s dominant cartel. See: Congressional Research Service, “Mexico: Organized Crime and Drug Trafficking Organizations,” Congressional Research Service, December 20, 2019, https://fas.org/sgp/crs/row/R41576.pdf
of organized crime produce a much larger number of casualties, including both criminal actors and ordinary civilians.

4) **Changes in Mexican government and policy:** The recent governmental transition in Mexico has had disruptive effects on organized crime and corruption networks that often leads to greater violence. This often results in a violent rebalancing of power between groups and settling of scores, as changes in administration may prove disadvantageous to formerly-favored organized crime groups, and more advantageous to new ones. For example, recent U.S. prosecutorial allegations suggest that Mexico's top law enforcement official from 2006-2012 was criminal asset of the Sinaloa Cartel, facilitating a power grab that resulted in a period of protracted and intense violence. More recently, the realignment of electoral schedules put an unprecedented number of Mexican federal, state, and local offices up for grabs in 2018, resulting in the largest turnover in public office in Mexico's modern history later that year. At the subnational level, this resulted in an unprecedented number of political assassinations targeting candidates for public office in the lead up to the election. This is a clear indication of the enormous pressure on elected officials to bend to the will of organized crime groups. At the federal level, the change in power has led to a significant shift in counter-drug policy, with a greater emphasis on addressing the structural factors contributing to crime. Mexican President Andrés Manuel López Obrador is being widely criticized for lacking a clear security strategy, and for allowing drug cartels to continue to operate with impunity.

Of course, every violent act is unique, and there are innumerable contextual factors that may contribute in any specific case: intrafamilial conflict, romantic relationships gone wrong, professional jealousy, etc. However, the underlying, macro-level factors and the more proximate strategic considerations affecting the behavior of Mexican organized crime groups have the greatest explanatory power for understanding the generally elevated levels of violence Mexico has experienced for more than a decade, and why we have seen such a distressing resurgence of violence in recent years.

With regard to recent governmental changes, it bears note that Mexican President López Obrador took office in December 2018 with the highest violent crime rate in recent history, making public security an area of urgent concern. On the campaign trail, in direct criticism of the militarized strategies employed by his predecessors, López Obrador promised a new, more benevolent approach that would invoke "hugs, not gunfights" ("abrazos, no balazos"). Notably, he pledged to abandon the "kingpin strategy" of targeting top organized crime figures, which many experts agree has contributed to splintering, infighting, and violence among Mexico's major organized crime groups.

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11 Not coincidentally, the 2018 election also saw an unprecedented number of political assassinations targeting candidates for public office.
Unfortunately, recent developments suggest that the López Obrador government’s security efforts are thus far inadequate. Notably, in October 2019, there were a series of shootouts between organized crime groups and Mexican security forces in the states of Sinaloa, Michoacán, and Guerrero. The first incident was a cartel ambush that killed 13 police officers on October 14 in Aguililla, Michoacán, the cradle of Mexican drug trafficking and hometown of CJNG leader Rubén “Nemesio” Osuna Osuna. The next day, 14 civilians and one Mexican military soldier were killed in the town of Tepochica in the municipality of Iguala, Michoacán, where 43 students were killed by an organized crime group at the behest of corrupt local Mexican government officials (and with federal police involvement) in 2014.

Just a few days later, López Obrador’s response to a series of events on October 17 demonstrated his government’s limited willingness and capacity to confront organized crime groups directly. After the surprise capture of Ovidio Guzmán, one of the sons of Joaquín “El Chapo” Guzmán, Sinaloa cartel gunmen took to the streets of Culiacán in protest and killed 13 people. Authorities capitulated to their demands, releasing Ovidio Guzmán to prevent further bloodshed. The government’s evident surrender to pressure from organized crime contributed to growing criticism of the López Obrador administration’s security strategy.

Indeed, while President López Obrador views the strategy of leadership disruption and massive military force deployments that was employed by Calderón as counterproductive, his administration has produced no clearly articulated alternative plan of action. In the breach, violence continues unabated and there are growing apprehensions about the absence of an adequate state response to the brazen tactics of Mexican organized crime groups. The renewed sense of urgency about the crisis provides an opening for various actors—Mexican civil society, international organizations, and the U.S. government—to engage the López Obrador administration in a constructive dialogue about the possible policy options that can help to develop a more clearly articulated security strategy.

Concluding Observations and Recommendations

Arguably, now more than ever, Mexico needs the continued support and cooperation of the United States to help address these issues. However, there is also clearly a need to rethink current policy, and address some of the long-standing, politically-difficult obstacles to the rule of law and security in Mexico. Indeed, as I recommended to Congress in 2011, I believe that the United States should develop and implement a coordinated, national interagency strategy for identifying, investigating, and disrupting the U.S. financial facilitators and arms distributors that support Mexican DTOs. Specifically, U.S. authorities should:
1) Promote better monitoring and analysis of Mexico’s rule of law challenges: There are several organizations that are working actively to try to trace and analyze the problem of organized crime and violence in Mexico, often with little or no coordination across efforts. As a result, there is a high degree of duplication of effort and there are lost opportunities for sharing of information. Financial assistance from the U.S. and Mexican governments, as well as private foundations and non-profit organizations, is needed to support these efforts and bolster greater coordination to allow for more robust monitoring and analysis of Mexico’s rule of law challenges, particularly that which is associated with organized crime. Unfortunately, even as Mexico’s security crisis has worsened recently, major donors have scaled back or turned away entirely from supporting work focused on addressing Mexico’s rule of law challenges.

2) Assist Mexico in enhancing police and prosecutorial agencies: One of Mexico’s challenges is to identify more effective ways for law enforcement to address the problem of organized crime. While the kingpin strategy has had serious problems, allowing violent actors—like Sinaloa cartel leader Joaquín Guzmán or CJNG head Ruben Oseguera—to operate with impunity is clearly not a desirable option. Experts have long advocated bolstering the capacity of Mexican law enforcement. What is clearly needed are better long-term, comprehensive criminal investigations to ensure successful prosecutions targeting not only drug kingpins, but all levels and branches of a criminal enterprise, including corrupt politicians and private sector money laundering operations. Doing so would help to address the problem of splinter groups vying for succession when a major kingpin is removed. International organizations and bilateral assistance programs should work closely Mexico to help train police and prosecutors to conduct more effective and wide-reaching criminal investigations and prosecutions of criminal enterprises.

3) Aiding Mexico’s fight against corruption: Over the past two decades, Mexico has seen a dramatic increase in transparency, but the mechanisms of accountability have remained weak. The Mexican public is regularly alerted to abuses of power and acts of corruption by public officials who go largely unpunished for their misdeeds. Mexican civic organizations, international agencies, and foreign governments can help Mexico crackdown on corruption. For example, foreign governments can investigate corruption claims and, where appropriate, deny travel privileges or freeze the assets of Mexican nationals wanted on corruption charges. The U.S. government, international foundations and non-governmental organizations can partner with Mexican anti-corruption agencies and organizations to provide much needed funding, technical assistance, and cooperation to increase transparency and accountability.

4) Strengthen controls to prevent illegal exports of firearms to Mexico: Introducing registration requirements for large-volume ammunition purchases and unassembled assault weapons kit imports; strengthening reporting requirements for multiple long arms sales (similar to those for multiple handgun sales); increasing ATF capacity for the investigation of straw-purchases and trafficking conspiracies; enforcing the federal ban on imports of assault rifles not intended for sporting purposes; and removing obstacles to
information sharing among law enforcement agencies and greater transparency in the public reporting of aggregate data on gun crimes.

5) Establish better controls on money laundering and DTO financial operations: The United States should provide more resources, training, and coordination mechanisms for state and local law enforcement agencies to better target, seize, and trace the proceeds of illicit drug sales. The United States should aggressively enforce the Foreign Investment and National Security Act of 2007 to track the investments of Mexican drug traffickers in the United States. Additionally, the United States should establish joint operations to share data and intelligence on possible drug money laundering in Mexican and third-country financial institutions. Ultimately, the United States needs greater coordination and stronger initiatives from the U.S. Securities and Exchange Commission (SEC), Treasury Department, and Federal Deposit Insurance Corporation (FDIC) to conduct careful searches for financial patterns consistent with drug money laundering. If these institutions cannot do so, then the United States should create a new agency that will.

6) Strengthen cross-border cooperation and liaison mechanisms: The executive branch should establish stronger mechanisms to coordinate U.S. responses to Mexico’s security crisis domestically and abroad. For example, the United States and Mexico should re-activate the Bilateral Commission meetings of cabinet-level personnel to ensure that bi-national cooperation progresses on other fronts that are important beyond security. At the state level, the federal government should support collaboration among the U.S.-Mexico border governors, border legislators, and border mayors. Along the border, the United States should dedicate greater staff and resources to bi-national border liaison mechanisms (BLMs), as well as multiagency task forces and international liaison units within U.S. law enforcement agencies.

7) Prevent blowback from U.S. deportations of criminal aliens: U.S. law enforcement, prison, and immigration authorities should work more closely with their foreign counterparts to prevent repatriated criminal aliens from becoming new recruits for organized crime groups in Mexico and Central America. Preventive strategies should include educational and rehabilitative programs for foreign nationals in U.S. prisons (such as working with Mexico’s education ministry to provide the equivalent of a general education degree to Mexican criminal aliens during their incarceration in the United States). In addition, U.S. immigration authorities should be required to work with Mexican and Central American authorities to develop better bilateral protocols for managing the reentry of aliens to their home country.

8) Allow Mexico to focus its scarce law enforcement resources on domestic security: As part of its efforts to partner with the United States on preventing Central American migration, the Mexican government has diverted thousands of its National Guard members to patrol Mexico’s southern border. While this has helped to stem the northbound flow of Central American migrants to the United States, it has also hobbled Mexico’s national security institutions from focusing on the existential threat of organized
crime (for which the National Guard was originally created). The United States can help Mexico by identifying other longer term measures that can help to reduce the flow of Central American migrants, such as development aid and job creation programs for migrant sending communities.

9) Develop explicit performance measures for the fight against organized crime: I can say from my experience as an INL grantee that all Mérida Initiative programs are now being required to develop better performance-based measures. Still, other U.S. agencies working with Mexico should establish explicit baseline indicators, performance measures, benchmarks, targets, and timelines for progress toward their strategic objectives of dismantling organized crime, strengthening rule of law, reducing illicit flows, and building stronger communities. Assessment efforts will require dedicated funding for both congressional oversight and nongovernmental monitoring efforts, and should go beyond typical “output” measures (e.g., arrests, trainings, seizures, and program activities) to evaluate “outcomes.” Specifically, the U.S. Congress should require the Department of Homeland Security to provide regular reports and greater detail—including information and statistics on activities, seizures, apprehensions, and aggregate value—for current border security initiatives and programs intended to facilitate interagency collaboration in combating drug trafficking, money laundering, and firearms trafficking in border communities. In addition, the U.S. Government Accountability Office should carefully assess the corrupting influences of transnational organized crime networks on U.S. border security and law enforcement, and ensure that there are adequate resources to address possible vulnerabilities and breaches in integrity.

10) Evaluate alternatives to current counter-drug policy: Given the proliferation of new state-level laws and policies allowing medicinal and recreational use of certain Schedule I psychotropic substances, the U.S. Congress should commission an independent advisory group to examine the fiscal and social impacts of drug legalization as well as other alternative approaches to the war on drugs. The commission should be provided adequate funding—at least $2 million—to provide a comprehensive review of existing policies and develop realistic, clearly defined, and achievable policy recommendations for reducing the harms caused by drug consumption and abuse. The United States should simultaneously take a leading role in the international dialogue on the future of drug policy by collaborating directly with other countries in the Americas to develop alternative policy approaches to reduce the harm caused by drugs.
Ms. Sires, thank you for your testimony.
Ms. Meyer, we will now hear from you.

STATEMENT OF MAUREEN MEYER, DIRECTOR FOR MEXICO AND MIGRANT RIGHTS, WASHINGTON OFFICE ON LATIN AMERICA

Ms. Meyer. Chairman Sires, Ranking Member Rooney, and members of the subcommittee, thank you for the opportunity to testify on behalf of the Washington Office on Latin America on ways to strengthen security and the rule of law in Mexico. I am submitting my written testimony for the record, and will summarize key points here.

Mexico is undergoing unprecedented levels of violence. 2019 will surpass 2018’s record number of homicides, and human rights violations also remain widespread. From 2006 to 2019, the Mexican Government registered over 60,000 cases of disappeared people. Uncontrolled corruption and widespread impunity are important drivers of violence in Mexico. The challenges are great.

Due to low public trust in public institutions, less than 10 percent of crimes are reported or investigated in the country. While Mexico’s previous two Presidential Administrations have taken steps to combat these challenges, justice institutions remain weak. Through continued engagement with Mexico, the United States can be a partner in strengthening the rule of law. I will outline how in my testimony. But first, I want to touch on the measures adopted by the Mexican Government.

The first measure is criminal justice reforms. In 2008, the Mexican Congress approved sweeping constitutional reforms to adopt an adversarial criminal justice system based on oral trials in public courtrooms, designed to make the system more efficient, transparent, and with due-process guarantees. While many challenges remain, including a backlog of cases and the need to train and specialize more personnel, multiple Mexican States have made important advances in implementing the reforms.

The second measure is the autonomy of Mexico’s justice institutions. In the past, the Mexican executive branch has blocked important investigations into corruption and human rights violations. In 2014, Mexico’s Congress passed constitutional reforms to replace the country’s Attorney Generals’ Office with an autonomous National Prosecutor’s Office, independent from the Executive Branch.

However, autonomy alone will not make the new institution more effective. This will also depend on the actions taken by the first national prosecutor named last year, Alejandro Gertz. In the coming year, the priorities he lays out for criminal prosecutions and the transition, as well as his engagement with civil society organizations and victims, will be important indicators of whether Mexico is responding to the longstanding demands for justice.

The third is to curtail government collusion with criminal organizations. In far too many cases, Mexican Government officials and security agents work in collusion with criminal networks. To name two important examples, the U.S. Department of Justice recently indicted Genaro Garcia Luna, a former public security minister, for allegedly colluding with the Sinaloa cartel. And in the emblematic case of the 43 forcibly disappeared students from Ayotzinapa, the
local police officers who detained the students were working on behalf of an organized criminal organization.

President Lopez Obrador has made combating corruption a center point of his government, and Gertz Manero is moving forward in select high-profile cases. However, tackling corruption will require more than just a few successful prosecutions. His government should also demonstrate a firm commitment to Mexico's national anticorruption system, which is the mechanism established in 2016 to coordinate all of anticorruption efforts at all levels of government in the areas of prevention, investigation, and sanction.

While Mexico must build professional police forces with strong accountability mechanisms and remove the military from public security, an effective criminal justice system is paramount to addressing violence and corruption in the country. Detaining more drug traffickers or corrupt officials will be ineffective unless the judiciary can prosecute them while guaranteeing due process.

U.S. assistance already contributed to improvements in the criminal justice system. USAID's rule of law projects have helped State attorneys general offices and courts develop capacity, improve victims' access to justice, and investigate crimes against journalists and human rights defenders. The Department of Justice's OPDAT has trained justice sector personnel on the adversarial system and has collaborated with the Mexican Government in drafting relevant legislation.

Moving forward, we need to ensure that U.S. agencies involved in justice reform coordinate their efforts and measure the impact of U.S. training. We engage with Mexico so that U.S. assistance is beneficial in this transition to a national autonomous prosecutors office, and we need to support civil society organizations who are involved in criminal justice reforms, anticorruption efforts, and human rights.

While the Mexican Government is responsible for strengthening the country's institutions to address Mexico’s security crisis, the United States must also do its part. This should include more public health funding to address U.S. demand for illicit drugs and additional measures to combat arms trafficking to Mexico.

I want to conclude by thanking the subcommittee for holding this hearing and for including a focus on the way to strengthen the rule of law in Mexico. For far too long, Mexico has been dramatically impacted by high rates of violence, corruption, human rights violations and impunity, while transnational criminal organizations continue to traffic drugs and harm communities on both sides of the border.

To reduce impunity, the Mexican Government must work to create trustworthy rights-respecting institutions. In this regard, as the U.S.-Mexico cooperation moves forward, both governments should ensure that strengthening the rule of law is a centerpiece of these discussions. Thank you.

[The prepared statement of Ms. Meyer follows:]
Strengthening Security and the Rule of Law in Mexico

Testimony of Maureen Meyer
Director for Mexico and Migrant Rights
Washington Office for Latin America (WOLA)

House Committee on Foreign Affairs
Subcommittee on the Western Hemisphere, Civilian Security, and Trade
January 15, 2020

Chairman Sires, Ranking Member Rooney, and Members of the Subcommittee: Thank you for the opportunity to testify on behalf of the Washington Office on Latin America (WOLA) on ways to strengthen security and the rule of law in Mexico. I am submitting my written testimony for the record.

In recent months, high-profile acts of violence in Mexico have garnered national and international media attention. In October, gun battles erupted on the streets of Culiacán, Sinaloa, when Mexican security forces attempted to detain Ovidio Guzmán López, the son of the infamous drug kingpin Joaquín “El Chapo” Guzmán, and in November, nine women and children—all dual U.S. and Mexican citizens—were tragically murdered in a rural area of Sonora. Both incidents highlighted the extensive security challenges facing the Mexican government one year after Andrés Manuel López Obrador assumed the presidency of Mexico.

Chronic impunity and rampant corruption have facilitated the expansion of organized criminal groups in Mexico, whose reach and power are some of the main drivers of violence and insecurity in the country. Mexico’s previous two presidential administrations laid the groundwork to address these long-term issues and to strengthen the weak rule of law. In 2008, the Mexican Congress passed constitutional reforms to its criminal justice system and in 2014, additional reforms were approved granting autonomy to the federal attorney general’s office.

Landmark anti-corruption measures were also put into place in 2015 and 2016, including the creation of a National Anti-Corruption System. While these reforms were crucial, their implementation is not complete. The challenge moving forward is to solidify Mexico’s criminal justice institutions so that crimes and human rights violations are investigated and the perpetrators are brought to justice. My testimony will discuss the status of the measures adopted by the Mexican government to strengthen the rule of law since 2008, particularly regarding the criminal justice system, the role of U.S. assistance in this area, and suggestions for future U.S. engagement with Mexico on these issues.

Mexico’s security crisis

Since 2006, Mexico’s security strategy has consisted largely of going after the leaders of criminal organizations. This U.S.-backed strategy has played a key role in fragmenting Mexico’s organized crime organizations: there are now an estimated nine predominant organizations and some 200 smaller local based organizations, resulting in renewed competition between groups for routes and “plazas.” Mexican criminal organizations have also expanded their activities well beyond drug trafficking to include extortion, pirated goods, kidnapping, oil theft, vehicle theft, human trafficking, and human smuggling.

The fragmentation of criminal groups combined with Mexican federal security forces’ frontal assault against them has caused violence to explode in several parts of the country. Analyses of crime data
suggest that between a third and a half of homicides in Mexico can be attributed to organized crime groups.  

2018, the last year of the Peña Nieto presidency, was Mexico’s most violent year on record. Over 33,000 homicides were registered in the country, a 33 percent increase over 2017.  

2019 likely will surpass 2018’s record, with 32,604 homicides registered in the first 11 months of the year (December’s numbers are not yet published). This makes up an average of 97 people killed each day, including at least nine women.  

Homicide statistics point to only one aspect of Mexico’s security challenges. Cases of kidnappings and extortion are also prevalent. According to the most recent national victimization survey, 33.9 percent of Mexican households had at least one member who suffered a crime in 2018, while 82 percent of women surveyed reported feeling insecure.  

A 2019 study by the business association COPARMEX (Confederación Patronal de la República Mexicana, Employers’ Confederation of the Mexican Republic) found that 65 percent of businesses in Mexico have been the victim of a crime, and 35 percent have experienced some act of corruption. In the World Economic Forum’s 2019 Global Competitiveness Report, Mexico ranked 140 out of 141 countries for the indicator of organized crime, which rates the extent to which “organized crime (mafia-oriented racketeering, extortion) impose costs on businesses.” Only El Salvador ranked lower for this indicator.  

**Prevalence of human rights violations**  

In addition to this violence, human rights violations also remain widespread. From 2006 to 2019, the Mexican government discovered 3,631 clandestine graves and registered over 60,000 cases of disappeared people. (The border states of Tamaulipas, Chihuahua, and Nuevo Leon rank in the top five states with the highest number of disappeared people in the country.) In its 2019 periodic review of Mexico, the UN Committee Against Torture recognized a “very high frequency” of torture committed by security forces and investigative officials. Moreover, human rights defenders and journalists face substantial risks for investigating government corruption and organized crime, seeking justice for human rights violations, and defending the fundamental rights of the Mexican people: 21 human rights defenders and 10 journalists were killed across the country in 2019. According to the Committee to Protect Journalists, Mexico accounted for half of the journalists who were killed in the line of duty across the world in 2019.  

**Mexico’s weak rule of law**  

In order to address Mexico’s security crisis, Mexican President Andrés Manuel López Obrador has emphasized the need to prioritize addressing the socio-economic factors contributing to violence, including by establishing youth scholarship programs to disincentivize young people from joining criminal organizations.  

However, he has also transformed the federal agencies tasked with public security and combating organized crime through the creation of the military-led National Guard which has assumed federal policing functions. The armed forces themselves will continue participating in public security tasks for up to five years while the National Guard becomes fully operational. Far from focusing on strengthening civilian policing, this militarized public security strategy risks repeating the errors of the past. More than a decade of the deployment of Mexican soldiers across the country to patrol streets and crack down on organized crime has not effectively reduced crime and violence while resulting in grave human rights
violations. Several academic studies have shown that homicides have tended to increase in Mexican states where the military is deployed. In this regard, we believe the Mexican government should work to demilitarize its public security strategy and focus on strengthening and professionalizing its civilian police forces.

At the same time, it is also clear that any effort to tackle organized criminal groups and reduce crime, including through violence prevention efforts, will not be effective unless the government also fully commits to strengthening the capacity of prosecutors and police to investigate crimes and secure convictions in court.

Weak justice institutions have played a central role in allowing violence, corruption, and human rights abuses to flourish. In 2019, Mexico ranked 97 out of 126 countries in the World Justice Project’s Rule of Law Index. Regionally, Mexico ranked higher than only four out of the 30 countries in Latin America and the Caribbean: Nicaragua, Honduras, Bolivia, and Venezuela. The consequences of Mexico’s weak rule of law manifest themselves in the country’s high impunity rate, which experts estimate to be around 98 percent. With less than five out of every 100 murders ever solved, it is easy to conclude that “in Mexico people kill because they can.”

Due to weak public trust in justice institutions, less than 10 percent of crimes are ever reported or investigated in the country. According to Mexico’s most recent national victimization survey, most victims opt not to report crimes because they believe it is a waste of time or because they lack trust in the authorities.

Criminal justice reforms

Recognizing the need to overhaul Mexico’s justice system, the Mexican Congress approved sweeping constitutional reforms in 2008. The reforms mandated the nationwide adoption of an adversarial criminal justice system, a tool meant to strengthen Mexico’s capacity to counter violence and impunity.

A shift away from the country’s previous inquisitorial system—in which court procedures were largely oriented around written documents presented to a judge—the new system is based on oral trials in public courtrooms. The transition to oral trials has aimed to address the inefficiency, opacity, lack of due process guarantees, and corruption that characterized the old system. In an important shift, the reforms established the presumption of innocence until proven guilty.

Trials now take place with judges, prosecutors, and defendants all in one room, which has helped to reduce excessive judicial and prosecutorial discretion. Moreover, the reforms required that courtrooms have audio and visual recording equipment, making trials more transparent. In addition, the reforms aimed to reduce stress on Mexico’s overburdened justice institutions by giving judges and prosecutor’s offices more room to negotiate plea bargains and other alternative dispute resolutions for certain low-level crimes. In theory, this means many non-violent crimes don’t have to be tried in court.

The reforms gave federal and state government eight years to complete this transition. While this period ended in June 2016, a fully reformed and effective system is still a far way off. Justice institutions remain backlogged and many personnel continue to lack the necessary training and specialization to carry out their functions effectively.
Police forces, in particular, lack the training needed to carry out their new investigative functions under the adversarial system. In June 2019, the Mexican government reported that only 42.7 percent of the country’s police had taken at least one of the three required training workshops on how to carry out their new role. Poor training can lead to the contamination of the crime scene and the improper processing or loss of evidence, without which, cases may fall apart in court.

Torture and other human rights violations remain prevalent in criminal proceedings, despite the reforms. The widespread use of torture has undermined criminal investigations and put many innocent people behind bars. In some cases, the use of torture in investigations has facilitated the release of individuals who were likely guilty of the crimes they were accused of. In August 2019, one of the leaders of the criminal group behind the September 2014 disappearance of the 43 students from Ayotzinapa was absolved of the crime after a judge determined that the government had obtained the majority of the evidence against him illegally, including through torture.

Most prosecutor’s offices also continue to lack specialized personnel capable of closely analyzing the details of criminal cases. The country’s forensics capacity is particularly wanting. According to the Mexican think tank México Evalúa, only 22 of Mexico’s 32 state prosecutor’s offices report having forensics units. Of those, only 21 have areas specialized in ballistics, genetics, chemistry, or forensic medicine, 18 have psychology or psychiatry units, 10 have fingerprinting specialists, and eight have areas specialized in facial composite.

Although many challenges remain, multiple Mexican states have made important advances in implementing the reforms and strengthening the rule of law. As the World Justice Project shows in its Mexico States Rule of Law Index, some states score higher in different indicators, such as the areas of criminal justice, civil justice, and fundamental rights.

USAID has played an important role in building up the capacity of state criminal justice systems. For example, states targeted by USAID experienced a 59 percent increase in the use of alternative dispute resolution, thus freeing up the capacity of courts to adjudicate cases involving violent crimes.

México Evalúa, which produces annual reports monitoring Mexico’s progress in implementing the adversarial criminal justice system, assessed in 2019 that it would take another decade for the criminal justice system to become fully functional. While progress has been uneven and delayed, the adversarial system presents the best way to strengthen the rule of law and reduce impunity in Mexico.

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1 According to Mexico’s most recent national survey of detainees (from 2016), 75.6 percent of detainees interviewed for the survey reported being subjected to some type of psychological violence at the time of their arrest, while 49.4 percent reported suffering such abuses while they were at the public prosecutor’s office. This included being held incomunicado, threatened with false charges, undressed, tied up, blindfolded, pressured to incriminate someone, subjected to asphyxiation, and threats against their family. Similarly, 32.3 percent of those reported being subjected to some type of physical abuse at the time of their arrest, while 39.4 percent reported physical harm later in their detention. Abuses include being kicked or punched, hit with objects, injuries as a result of being crushed, and electric shocks. (Instituto Nacional de Estadística y Geografía, “Encuesta Nacional de Población Privada de la Libertad 2016,” July 2017, https://www.inegi.org.mx/contenidos/programas/encoli/2016/doc/2016_ensol_presentacion_ejecutiva.pdf).
Autonomy of justice institutions

In many cases, political influence over criminal investigations—particularly investigations into corruption and grave human rights violations—has stymied the ability of Mexican prosecutors to honestly and credibly carry out their work. Consequently, Mexican civil society organizations, the business community, and victims’ groups have supported reforms to guarantee the autonomy of prosecutor’s offices.

In 2014, Mexico’s Congress enacted a constitutional reform to replace the country’s Attorney General’s Office (Procuraduría General de la República, PGR) with an autonomous National Prosecutor’s Office (Fiscalía General de la República, FGR), separate from the executive branch. The new institution officially began to function in December 2018. This reform presents the opportunity to create an institution that is more independent, effective, and capable of rebuilding public trust in the country’s justice system.

However, after working with government officials on the framework law for this office, civil society organizations have subsequently expressed concerns about the lack of transparency of Mexico’s first National Prosecutor, Alejandro Gertz Manero, especially his unwillingness to meet with civil society and victims, the lack of clarity about the transition process, and his naming of special prosecutors outside of the process established by law. ⁴

The actions by the National Prosecutor in the coming year and the priorities he lays out for criminal prosecutions in Mexico will be clear indicators of the extent to which Mexico is truly transitioning away from the troubled and inefficient old institution to a modern, autonomous body that responds to victims’ long overdue demands for justice. ⁵

Investigating government collusion

The collusion of government officials and security agents with criminal networks presents an additional challenge in cracking down on violence and impunity. ⁶ For example, the U.S. Department of Justice (DOJ) recently indicted Genaro García Luna, a former secretary of public security in Mexico (2006–2012), for allegedly colluding with the Sinaloa Cartel. The indictment includes three counts of cocaine trafficking conspiracy and one count of making false statements. As the DOJ states, “in exchange for multimillion-dollar bribes, the defendant allegedly permitted the Sinaloa Cartel to operate with impunity in Mexico.” ⁶

The accusations against García Luna serve as just the latest example of how government corruption has allowed criminal groups to freely operate in several parts of the country. ⁶ In the case of members of the

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2 In addition to the federal government, all but four of Mexico’s 32 states have completed or initiated a transition toward an autonomous prosecutor’s office separate from the executive branch. Mexico City’s transition has demonstrated particular promise, given the central role the Mexico City government has allowed civil society to play in carrying out. Gina Inez y Lorena and Maureen Meyers, “Mexico’s Rule of Law Efforts 11 Years After Criminal Justice Reform,” Washington Office on Latin America, November 23, 2019, https://www.wola.org/wlc-content/uploads/2019/11/WEB-JUSTICE-REFORMS-REPORT-ENG.pdf#page=4

3 U.S. prosecutions of former Mexican officials also provide a window into the level of collusion that exists between public officials and organized crime groups in the country. Apart from García Luna, Tomás Yarrington, former governor of Tamaulipas, was extradited to the United States in 2018 to face charges of racketeering, money laundering, bank fraud, and drug smuggling. Another former governor of Tamaulipas, Eugenio Hernández Flores, was also extradited to the United States in 2015 for his involvement in a money laundering scheme. In March 2017, the state attorney general of Nayarit was arrested when entering the United States at the San Diego port of entry because of an arrest warrant against him in New York for his involvement in international drug trafficking.
LeBaron family—the nine women and children killed in Sonora in November 2019—Mexican officials have arrested a local police chief for his possible connection to the crime. The police chief is believed to have ties to a criminal group that serves as the enforcer arm of the Juárez Cartel.\[63\] Similarly, in the emblematic case of the 43 forcefully disappeared Ayotzinapa students, the local police officers that arrested the students were working on behalf of Guerreros Unidos, an organized criminal group involved in trafficking heroin and other drugs to the United States.\[64\]

A report by the Human Rights Clinic at the University of Texas School of Law further describes the intricate links between corruption and organized crime-related violence in Mexico. In analyzing first-hand testimonies of former Zeta Cartel members in U.S. federal trials, the report documents the scores of kidnappings, killings, and disappearances carried out by this particularly brutal cartel in the border state of Coahuila from 2006 until the arrest of their last key leader in 2013. The testimonies expose the nature and degree to which these crimes were purportedly allowed to take place with the consent, and sometimes direct assistance, of government officials and police officers at the municipal, state, and even federal level.

According to the testimonies, the Zetas paid bribes, contributed to political campaigns, and integrated authorities into their hierarchy to ensure the cartel could operate without resistance and to secure impunity for violence and human rights abuses. The Zetas’ control allegedly extended “over the entire state of Coahuila,” from municipal police and state politicians all the way up to federal prosecutors and sectors of the Mexican Army and Federal Police.\[65\]

President López Obrador has made combating corruption a central piece of his government’s agenda. According to Transparency International, public perceptions of corruption have improved during his presidency.\[66\] While the Peña Nieto government was criticized for dragging its feet on corruption investigations, National Prosecutor Alejandro Gertz Manero is working to move select cases forward. This includes pressing several charges against Emilio Lozoya, former head of the state-owned oil company PEMEX, who has been accused of accepting bribes from Odebrecht between 2012 and 2014. The charges are related to bribes Lozoya allegedly received from the steel company Altos Hornos de México (AHMSA) in exchange for PEMEX’s purchase of an inoperative fertilizer plant in 2014.\[67,68\] In addition, Rosario Robles, former Secretary of Agrarian, Territorial, and Urban Development, has been arrested for her involvement in the Estafa Maestra case, which involved the diversion of more than USD$192 million worth of government funds through shell companies and public universities between 2013-2014.\[69\]

While prosecuting high-profile cases such as these will help combat impunity, other anti-corruption efforts remain in doubt. López Obrador has not demonstrated a firm commitment to the National Anti-Corruption System, a mechanism designed to coordinate Mexico’s anti-corruption initiatives at all levels of the government in the areas of prevention, investigation, and sanction. The System was established as part of sweeping anti-corruption reforms passed in 2015 and 2016. A key part of the System is the Citizen Participation Committee—a civilian oversight body meant to serve as a bridge between anti-corruption institutions and civil society—which gives citizens a lead role in the anti-corruption fight.

Without the administration’s full support, the National Anti-Corruption System could be deprived of the resources it needs to be successful.\[70\]
Continuing U.S. engagement with Mexico

Transnational criminal activities, including drug trafficking, jeopardize the wellbeing of communities on both sides of our shared border with Mexico. In turn, resolving these challenges requires coordination and commitment from both the U.S. and Mexican governments. For over a decade, the Mérida Initiative (a multi-year U.S. aid package to Mexico) has served as the central point of this cooperation. Since 2008, the Mérida Initiative has provided Mexico with over USD$3.1 billion in assistance to strengthen security and the rule of law. Although these funds make up only 2 percent of Mexico’s estimated total security budget of USD$10 billion per year, the aid package has become the centerpiece of bilateral security cooperation between the two countries.** While an assessment of this aid package is long overdue, the focus areas of future assistance must be based on both governments’ shared interests. Implementation of security assistance should be conducted in a climate of mutual respect.

Strong, effective, rights-respecting police and justice institutions have the best chance of addressing the problems of insecurity, violence, and corruption in Mexico. While this involves building professional police forces with strong internal and external controls over their actions, and the removal of the military from public security tasks, a strong criminal justice institution is also paramount. An increased number of detained drug traffickers or corrupt officials will be ineffective unless there is a judiciary who can prosecute them while guaranteeing due process. As such, in bilateral discussions about future cooperation, we believe that the current pillar 2 of the aid package “Institutionalizing the rule of law while protecting human rights,” should be a priority.

U.S. assistance has already contributed to improvements in the criminal justice system. For example, ESF and INCLE funds have been used to equip Mexican courtrooms with audio and video recording technology and to train police on how to conduct their work under the adversarial system. USAID’s rule of law projects in Mexico have provided important support to state attorneys general offices and courts in developing analytical capacity, improving victims’ access to justice, and building public support for the criminal justice system. USAID has also provided assistance to Mexican prosecutors’ offices to develop standardized protocols for investigating sensitive crimes against journalists and human rights defenders and to strengthen state forensic capacity to identify disappeared victims. In addition, the Department of Justice’s Office of Overseas Prosecutorial Development Assistance and Training (OPDAT) has trained justice sector personnel on the adversarial system and has collaborated with the Mexican government in drafting several pieces of legislation to facilitate its transition to the adversarial system.**

Moving forward, assistance should also aim to ensure that all U.S. agencies involved in justice reform and trainings are coordinating their efforts and measuring the impact of U.S.-supported training, including through indicators capable of demonstrating whether training has increased the effectiveness of justice sector officials and their capacity to apply the skills required under the new system. As Mexico transitions to the autonomous National Prosecutor’s Office and similar transitions occur at the state level, both governments should consider whether U.S. assistance can be beneficial in this process.

Mexican civil society has an essential role to play in strengthening the rule of law in their country. U.S. officials should establish a consultation process with Mexican civil society organizations for any future assistance aimed at protection measures and investigating crimes against human rights defenders and journalists. U.S. assistance should continue to support civil society organizations engaged in the criminal justice reforms, anti-corruption efforts, and human rights.
At the end of the day, the responsibility for addressing Mexico’s security crisis lies with the country’s elected politicians and State officials. While López Obrador has called for an end to corruption and impunity, from his first year in office, it is not yet clear whether he will prioritize strengthening Mexican institutions’ ability to do so. The United States can and should encourage Mexico to make progress in these areas.

But the United States must also do its part, and this should not be overlooked in any discussion about the security crisis in Mexico. The Mérida Initiative was originally framed as a cooperation agreement between the two countries, yet it contains no commitments of funds for actions to be taken on the U.S. side of the border. U.S. illicit drug markets and the revenues they generate are a key source of funds for organized crime groups in Mexico and are a driving factor for much of the organized-crime-related violence in the country. Meanwhile, an average of 180 people die every day in the United States from drug overdoses, including from illicit drugs trafficked through and from Mexico. Although federal, state, and local governments are investing billions in prevention, treatment and recovery efforts, far more must be done to address this public health crisis. Our systems still lag dramatically behind the need in terms of access to treatment, as well as in developing and taking to scale innovative harm-reduction interventions that can save lives.

U.S.-sourced guns also fuel violence in Mexico. 70 percent of the guns seized by Mexican authorities and submitted for tracing between 2011 and 2016 were originally purchased from a licensed dealer in the United States. In one case, a criminal group used American-made high caliber weapons in an ambush against state police in Michoacan in October 2019. The ambush left 13 agents dead. The Sinaloa Cartel used similar weapons in the shootout that took place in Culiacán late last year, and these weapons were also used in the massacre of the nine members of the LeBaron family. While the recently announced Mexico-U.S. Bilateral Strategy on Illicit Arms Trafficking is a welcome step forward, U.S. policymakers should consider other measures to combat illicit arms trafficking to Mexico, including by requiring universal background checks for gun purchases, classifying gun trafficking and straw purchasing as federal crimes, and requiring the reporting of multiple sales of long guns.

I want to thank the Subcommittee for holding this hearing and for including a focus on ways to strengthen the rule of law in Mexico. For far too long, Mexico has been dramatically impacted by high rates of violence, corruption, human rights violations, and impunity, while transnational criminal organizations continue to traffic drugs and harm communities on both sides of the border. To reduce impunity, the Mexican government must work to create trustworthy, rights-respecting criminal justice institutions that are capable of effectively investigating and prosecuting crimes. In this regard, as U.S.-Mexico cooperation moves forward, both governments should ensure that strengthening the rule of law is a centerpiece of these discussions.

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Mr. SIRES. Thank you, Ms. Meyer.
Mr. Miles, we will hear now your testimony.

STATEMENT OF RICHARD G. MILES, SENIOR ASSOCIATE (NON-
RESIDENT), AMERICAS PROGRAM, CENTER FOR STRATEGIC & INTERNATIONAL STUDIES

Mr. MILES. Thank you, Mr. Chairman, Ranking Member Rooney, and members of the subcommittee.
I would like to lay out four main points with respect to security in Mexico and U.S. security cooperation with Mexico:
Point No. 1, the 2008 Merida Initiative set out to reduce violence and the power of drug trafficking organizations in Mexico. It has failed to achieve those goals. As Dr. Shirk and Ms. Meyer indicated, 2019 was the most violent year on record. The strategy of capturing or killing high-value targets has not been sufficient to weaken the drug cartels, and by creating leadership vacuums, it has increased lethal violence over succession and territory.
The cartels are still heavily involved in the narcotics trade, although the composition of that trade has changed. Less marijuana is coming across the border, but 90 percent of the heroin that comes in the United States comes from Mexico, and the country remains a major transit zone for cocaine. Increasingly, heroin is being supplanted by synthetic opioids, such as Fentanyl, with precursor chemicals coming from China arriving in Mexican ports on the Pacific. According to 2017 data from the CDC, 48,000 people in the United States died from opioids, including heroin, prescription and nonprescription opioids.
Point No. 2, the Merida Initiative, despite its failure to rein in violence in drug trafficking, created a historic mechanism for security cooperation between Mexico and the United States, that I believe is paying dividends. A wide array of technical training by U.S. experts continues to improve Mexico’s institutional capabilities confronting organized crime. Most importantly, Merida has made the Mexican Government and its law enforcement agencies much more open to and accepting of U.S. advice and assistance.
Several specific examples of the Merida Initiative’s ongoing programs are a prison accreditation program that has resulted in 20 Mexican correctional facilities receiving international accreditation since 2011; a national vetting system that has identified corrupt officials within Mexican Government agencies and military units; assessments, training, certification, accreditation and equipment for forensic labs; training for prosecutors, investigators, and other justice sector personnel; and also training to professionalize Mexican Federal, State, and municipal law enforcement agencies and to increase their capacity of their specialized investigative units.
Apart from Merida, Mexico, with U.S. assistance, has expanded the use of financial intelligence units to identify, track, and, if necessary, seize the assets of drug traffickers. This is an effective, nonviolent way to shut down the cartel’s business model. Toward this end, in August of last year, Mexico strengthened its asset forfeiture law, a very positive step.
The Merida Initiative also has created a framework for direct military-to-military training and cooperation. As an example, between 2001 and 2008—that is before the Merida Initiative was im-
implemented—Mexican participation in U.S.-led military exercises consisted of just two exercises. Between 2009 and 2017, after Merida, the number surged to 46 joint exercises.

Mexico, with U.S. help and equipment, also has taken steps to increase its maritime interdiction capabilities by beginning a program to add eight long-range patrol vessels to its Navy. The first of these ships was launched in November 2018. These boats will enable the Mexicans to seize more Colombian cocaine shipments, and Chinese precursor chemicals for Fentanyl, deter illegal fishing vessels, and perform search and rescue missions up to 5,000 nautical miles from Mexico’s coast.

Point No. 3 is that the Merida Initiative was conceived as a tool to support Mexico’s own strategy, not as a substitute for it. Mexican and U.S. officials should work together to review what the Merida Initiative successfully achieved, and what it did not, and help Mexico develop a new comprehensive strategy that takes into account new security threats, such as violence and instability in Central America.

The key is to work together as partners to fix what needs fixing, and leverage the institutional relationships that we have built up over the last 12 years. That work has already begun. In two joint U.S.-Mexico declarations from December 2018 and June 2019, the government of Mexico promised, among other things, a Mexican enforcement surge, the deployment of its National Guard, especially on its southern border, as well as a promise to cooperate with the United States to, quote, “enhance security governance and economic prosperity in Central America.” This included a commitment by the government of Mexico to invest $25 billion in its southern provinces.

In early October of last year, Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, Kirsten Madison, led a delegation that met with senior Mexican officials to discuss ways to intensify efforts against the shared challenges of synthetic and other drugs, organized crime, and related violence. Finally, last month, Attorney General Barr met with President Lopez Obrador and his team to discuss arms trafficking, money laundering, and international drug trafficking, and agreed to strengthen the bilateral High Level Security Group created last August.

These commitments should be tracked and measured, and at the end of a comprehensive bilateral security review, the United States should provide the level of security cooperation funding that matches the severity of the threat Mexico continues to face, both internally and from regional instability.

My fourth and final point is stating the obvious. Mexico’s security is linked to its prosperity. Its prosperity is directly related to U.S. policies on trade. I congratulate the House of Representatives on the passage of the USMCA Treaty, a huge step toward ensuring that Mexico remains on an upward path of economic development that will create better opportunities for its citizens and conditions for a safe and stable neighbor.

Thank you. I look forward to your questions.

[The prepared statement of Mr. Miles follows:]
Testimony Before the U.S. House of Representatives,
Committee on Foreign Affairs
Subcommittee on the Western Hemisphere,
Civilian Security, and Trade
“Strengthening Security and the Rule of Law in Mexico”
Richard G. Miles, Senior Associate
Center for Strategic and International Studies
January 15, 2020

Thank you Mr. Chairman, Ranking Member Rooney, and members of the Subcommittee.

I would like to lay out four main points with respect to U.S. security cooperation with Mexico:

1. The 2008 Merida Initiative set out to reduce violence and the power of Drug Trafficking Organizations in Mexico. It has failed to achieve that goal. Preliminary data indicate that 2019 was the most violent year on record.\(^1\) The tactic of capturing or killing High-Value Targets has not been sufficient to weaken the drug cartels, and by creating leadership vacuums, has increased lethal violence over succession and territory.

The cartels are still heavily involved in the narcotics trade, although the composition of that trade has changed. Less marijuana is coming across the border, but 90% of the heroin that comes into the United States comes from Mexico and the country remains a major transit zone for cocaine. Increasingly, heroin is being supplanted by synthetic opioids such as fentanyl, with precursor chemicals from China arriving in Mexican ports on the Pacific. According to 2017 data from the CDC, 48,000 people died in the U.S. from opioids, including heroin, prescription, and non-prescription opioids.

2. The Merida Initiative, despite its failure to reign in violence and drug trafficking, created a historic mechanism for security cooperation between Mexico and the United States that is paying dividends. A wide array of technical training by U.S. experts continues to improve Mexico’s institutional capabilities in confronting organized crime. Most importantly, Merida has made the Mexican government and its law enforcement agencies much more open to, and accepting of, U.S. advice and assistance.

Several specific examples of the Merida Initiative’s ongoing programs\(^2\) are:

- A prison accreditation program that has resulted in 20 Mexican correctional facilities receiving international accreditation since 2011;

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\(^1\) According to data released on December 20, 2019 from the Government of Mexico, National Public Security Executive Secretariat (SESNSP), there were 31,688 murders between January and November of 2019. This was a 2.7% increase over the same period in 2018.

\(^2\) From the Merida Initiative FactSheet, U.S. Embassy Mexico City.
• A national vetting system that has identified corrupt officials within Mexican government agencies and military units;
• Assessments, training, certification, accreditation, and equipment for forensic labs;
• Training for prosecutors, investigators, and other justice sector personnel;
• Training to professionalize Mexican federal, state, and municipal law enforcement agencies and to increase the capacity of their specialized investigative units.

Apart from Merida, Mexico with U.S. assistance has expanded the use of Financial Intelligence Units to identify, track, and if necessary, seize the assets of drug traffickers. This is an effective, non-violent way to shut down the cartels’ business model.
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Mexico, with U.S. help and equipment, also has taken steps to increase its maritime interdiction capabilities by beginning a program to add 8 long-range patrol vessels to its Navy.5 The first of these ships was launched in November 2018. These boats will enable the Mexicans to seize more Colombian cocaine shipments and Chinese precursor chemicals for fentanyl, deter illegal fishing vessels, and perform search and rescue missions up to 5,000 nautical miles from Mexico’s coasts.

3. Point number three is that the Merida Initiative was conceived as a tool to support Mexico’s own strategy, not as a substitute for it. Mexican and U.S. officials should work together to review what the Merida Initiative successfully achieved, what it did not, and help Mexico develop a new comprehensive strategy, that takes into account new security threats, such as violence and instability in Central America.

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Central America. This included a commitment by the Government of Mexico to invest $25 billion in its southern provinces.

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Last month, Attorney General Barr met with President López Obrador and his team to discuss “arms trafficking, money laundering, and international drug trafficking” and agreed to strengthen the bilateral High-Level Security Group created last August.

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My fourth and final point is stating the obvious: Mexico’s security is linked to its prosperity. Its prosperity is directly related to U.S. policies on trade. I congratulate the House of Representatives on the passage of the USMCA treaty, a huge step towards ensuring that Mexico remains on an upward path of economic development that will create better opportunities for its citizens and the conditions for a safe and stable neighbor.

Thank you, and I would be glad to answer your questions.

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7 “Assistant Secretary Kirsten Madison Travels to Mexico,” Office of the Spokesperson, U.S. Department of State, October 3, 2019
Mr. Sires. Thank you for your testimony. We will now go to questions. I will start with the questioning and then the ranking member.

Ever since I have been, now, 13 years in this committee, 2008, I was one of the biggest supporters of the Merida Initiative. And we have appropriated about $3 billion worth of American dollars into this program. What should we change to make this program more effective? Mr. Miles?

Mr. Miles. Mr. Chairman, I think, clearly, the strategy has to change and, as I noted, that has already started. And as the other witnesses noted as well, it is really the long, hard, patient work of institution building, particularly in the criminal justice sector. I think our training with the prosecutors, with the defense side, with the prisons, is starting to bear some fruit. It is not as fast as we would like and it is not fast enough to reduce the violence that we have seen, but it is some progress.

And I think the key thing is the partnership with the Mexicans and the investment that we have already put in over the 10, 12 years at the institutional level.

Mr. Sires. Anyone else?

Ms. Meyer. I would agree. I think it is, one, looking at what you have called for, which is assessing what has or has not worked. I know there has been a real call to develop more indicators of progress. I think there is a real challenge, especially on training, and I think that is where we have trained thousands of police and prosecutors.

How do you measure the impact of has that training had any real difference in the way they operate? And so, I think there is a real need to assess particularly the impact of U.S. training moving forward.

And I think what Mr. Miles also referenced, accompanying prosecutors, and really, that more technical assistance, which takes a long time in terms of longer-term tool sets, but is where we can provide more impact in terms of successful prosecutions in Mexico.

Mr. Sires. Thank you. Dr. Shirk—Shirk. If I mispronounce your name, I apologize.

Dr. Shirk. No, that is fine. You can call me Shrek. You can call me Shirk, whatever works.

But I will just say, I think there is a lot of agreement among all of the witnesses. I do think that we have to evaluate what are the goals, what were the goals of the Merida Initiative. I mean, on the one hand, we want to make Mexico more secure. We want to build the rule of law. We want security. And on that front, I agree that we have not achieved that. In that sense, the Merida Initiative could be seen as a failure.

But we also have the goals of institution-building in Mexico and strengthening the capacity of the Mexican judicial sector. On that front, I think there has been real progress, as Dr. Meyer pointed out.

And also, part of our goal has been to partner more effectively with Mexico, to ensure cooperation between our two governments. And in that regard, the Merida Initiative has been a huge success across three U.S. Presidential Administrations—sorry, four, and three Mexican Presidential Administrations of different parties.
And sustaining that cooperation has been, I think, one of the key successes.

What I would certainly recommend, and have recommended for some time, is the need to really evaluate the kingpin strategy. There is no way we can allow people like Chapo Guzman to roam free. But at the same time, we have to be much smarter about the methods that we use to take them out. If you take out Chapo Guzman, but you do not take out his business partners, you do not take out the assets that he has placed in other areas, in the Mexican Government and in the financial sector, it is not going to be an effective strategy, because the power vacuum that is created when you take out someone like Chapo Guzman is a major contributor to the violence we have seen recently.

Mr. Sires. Can you talk a little bit about President Lopez Obrador? Has he fulfilled his campaign promise to take meaningful steps to combat corruption in Mexico?

Ms. Meyer. I think Lopez Obrador has a really important message of corruption, and he has certainly worked to curtail government largess, meaning the government officials that are taking advantage of public funds for their own benefit.

I think what we have not seen is real progress made on the national anticorruption system itself. They have focused on a few high-level prosecutions. That is important. I mean, key people. And the budget for this year actually provides more money to the special prosecutor for corruption at the Federal level, which is also important.

But I think beyond that, we have not seen a real strong signal that he supports the system as an institution, and that he wants to really ensure that throughout Mexico, meaning at the State level and the Federal level, there is a real coordination of anticorruption efforts. They have not named the 18 judges that are supposed to be part of the system to sanction grave cases of public corruption. They have cut funding for other parts of the anticorruption system.

And there is a real concern about public procurement processes in Mexico, which is one of the main sources of some of the bigger corruption scandals we have seen during the Peña Nieto Administration. They actually have even more funds that are basically used through the public procurement, and I think that is where there needs to be more oversight.

I think there is a commitment there, at least in terms of discourse. What we really have not seen yet is how he is going to make this new system, which was something pushed for by civil society. The anticorruption system was really a goal of achievement of Mexican civil society, and we have not yet seen him really back that.

Mr. Sires. Thank you. My time is up.

Ranking Member Rooney.

Mr. Rooney. Thank you, Mr. Chairman. I would like to start maybe with a question for anybody, but I would start with Dr. Shirk. Can you compare and contrast, briefly, the Calderon approach versus the Peña Nieto approach to dealing with these drugs and gangs and the violence? And then now, having had those two different approaches, how will AMLO’s shift in strategy on fighting
the cartels, this hugs over bullets business, affect the original mandate of the Merida Initiative?

Dr. Shirk. I think Calderon, President Calderon was very aggressive in his fight against the organized crime groups, and was particularly reliant on the kingpin strategy, targeting high-level operatives in Mexican organized crime. Unfortunately, evidently unbeknownst to President Calderon, his top drug fighter was on the take from the Sinaloa cartel, Genaro Garcia Luna. And how that affected the fight, I think, is something we are going to have to study more carefully.

Peña Nieto came into office very skeptical of collaboration through the Merida Initiative, and initially, wanted to greatly restrict efforts to work with the United States, but very quickly saw that there were opportunities to help address the real threat of organized crime, and we started to see that cooperation increase.

Lopez Obrador comes in with similar skepticism and, in fact, announced that his government was going to no longer cooperate through the Merida Initiative, that the Merida Initiative was effectively canceled, until he realized both how grave the threat is and how vital U.S. assistance has been. And so, I think that there is room for continued cooperation with the Lopez Obrador Administration.

I am also very skeptical of the hugs, not gunfight slogan of this Administration, but I understand that part of the rationale, part of the thinking behind that position is the deep skepticism that exists in Mexico about the efforts we have seen in previous Administrations through the kingpin strategy, and the desire to find some other approach that will work. I think we can find ways of working with this government.

Mr. Rooney. Ms. Meyer? Mr. Miles?

Mr. Miles. I would just add that I think there is a gap in the policing strategy that has arisen from this consensus that the uniformed military needs to be pulled back from policing duties, and that a National Guard needs to be stood up to accomplish that. That has had very mixed results, but at the same time, you have pulled back Federal and State policing in those areas in which it is most needed.

So the Mexican Government, at many levels, has effectively lost control of some of that territory, because it is not entirely clear from a policy view or organizational hierarchy who has responsibility now that the uniformed military has been pulled back from those duties, largely.

Mr. Rooney. Well, in that respect then—oh, Ms. Meyer, you have a comment?

Ms. Meyer. I was just going to really briefly say I think on that in terms of the police and the National Guard really looking at U.S. support on accountability. The U.S. has funded in the past the internal affairs unit for the Federal Police, which has now been basically absorbed by the National Guard. And I think if you are looking at concerns on corruption within security forces, or human rights violations, having strong internal affairs units is really important.

So as the National Guard is being built up, that is an area where the U.S. could also be very effective. It is certainly a key aspect of
Lopez Obrador’s security strategy is this National Guard. And so, making sure that if you are deploying these forces, they are being held accountable for their actions.

Mr. Rooney. Another question is, what can we do, bilateral steps the United States and Mexico could take to combat this flow of firearms crossing the border from the United States into Mexico?

Dr. Shirk. One thing, I think, has been a very positive development in the last few months is the agreement between the Trump Administration and the Lopez Obrador Administration to regularly revisit each month, through a high-level strategic group, the progress that is being made on firearms trafficking. That is something that has never happened before, and I think there is real potential for progress in monitoring what is going on.

I do think that there are a number of things that hobble that kind of cooperation. I recommend, for example, greater transparency and access to information about the number of firearms that are being seized in Mexico, so we can better identify what are the origins of those firearms.

Ms. Meyer. I think there are a lot of issues in terms of how do you look at using universal background checks in the United States, classifying gun trafficking and straw purchases as Federal crimes, things that would be more broad picture, requiring the reporting of multi-sales of long guns.

I think the last, which David referred to earlier, in terms of legal gun sales, so increased oversight, because there is a lot of concern about seepage of even guns that are legally purchased by the Mexican Government for their security forces that end up in the hands of criminal organizations. So are there ways that we can exercise more oversight over legal sales as well?

Mr. Sires. Congressman Phillips.

Mr. Phillips. Thank you, Mr. Chair, and to each of our witnesses.

I want to start by asking more about the National Guard. Apparently, about a third of the 60,000 or so new National Guard members that have been hired in the last year or so have been assigned to migration and immigration enforcement issues rather than addressing violent crime in Mexico. So I would love your perspective on your perceptions of the current strategy, how much of their time and energies are being dedicated to each, and whether you think that is an effective use of the enhanced number of National Guard members? Perhaps we can start with you, Dr. Shirk.

Dr. Shirk. Yes, I think this is a real problem. The very first task with which the National Guard was directed, was essentially order maintenance functions on Mexico’s southern border. There are a number of flaws in the National Guard. The National Guard is not an investigative unit, does not have investigative capacity. It is mainly, again, an order maintenance agency. And that does not help to get at this huge impunity problem which Dr. Meyer mentioned, that 90 percent of crimes essentially go unpunished in Mexico.

So I think that there is potential to work with the National Guard. It is arguably—it has not even been a year that the National Guard has been in force. But I am concerned that the National Guard has been, essentially, diverted from its main purpose,
not only to address the migration situation, but it is also monitoring ports. It is doing all kinds of other things that it is not most urgently needed for.

Mr. PHILLIPS. Ms. Meyer.

Ms. MEYER. I think there is currently about 12,000 National Guardsmen in southern Mexico, about 2,000 at the border. When we went down there in August to the Rio Suchiate, which is where a lot of border crossings are, they looked pretty bored to me.

I mean, I think there is a lot of need to really reassess is this the best use of this new security force, given Mexico's own limited resources, and are there other agencies that could take on, particularly the immigration agency, more of that immigration enforcement role.

Mr. PHILLIPS. When you ask that question are there, can you help answer it? Are there?

Ms. MEYER. Other?

Mr. PHILLIPS. Other units or forces that can take on that responsibility?

Ms. MEYER. There is National Immigration Agency. That is their task. In the past, they have been supported for security reasons sometimes with the Federal Police, but I think there is certainly a need to assess can you grow your immigration agency. They had 5,000 members for the entire country, and so I think that is also where they have used these other forces as a stopgap measure, because they have not increased the size.

And the second is just training. The National Guard is not trained to be interacting with vulnerable populations like migrants, and so you, like, really have the concern of what that could mean for asylum seekers and others.

Mr. PHILLIPS. I appreciate it.

Mr. Miles, any comments?

Mr. MILES. I would just add that I would agree that the National Guard has a very, very broad mandate, probably too broad, and it cannot do the policing functions that I think it is more intended to do.

I would note, though, that given the drop in numbers that we have seen on the southwest border due to a U.S. policy change, I think that the policy change will, in effect, relieve the National Guard of having to do a lot of things that Lopez Obrador wanted them to do and force these drops in migration, and that, hopefully, if that trend continues, would allow them to do the sort of policing that was the original intent.

Mr. PHILLIPS. I appreciate it.

My next question is relative to anticorruption efforts. And we talk about it a lot, but rather than just hope for change, what can the U.S. Congress specifically do to provide incentives and resources, perhaps, to ensure that the effort is as robust as it can possibly be?

Ms. Meyer, perhaps you could start. Specifics.

Ms. MEYER. I think it is important, USAID has a pretty good transparency and, like, area of work that has been working on, particularly at the State level, how do you work with the business community on their own obligations for compliance with
anticorruption efforts? How do you educate a broader population about what their role is in reporting corruption?

They are also supporting the Citizen Participation Committees, which are State- and Federal-level committees that in the Federal level actually have control over oversight for the entire system. And so I think there is a lot that USAID could do to strengthen those efforts.

And the second would probably be accompany more cases and prosecutions and getting better skill sets to go after these cases. We have not seen any dismantling of corruption networks by this government. We have not seen yet a successful conviction. They still have some time to do that. Maybe looking at can there be ways of U.S. know-how to support their anticorruption investigations.

Mr. Phillips. You have about 30 seconds left, either Dr. Shirk or Mr. Miles, if you have——

Dr. Shirk. I would just add that the United States is much more successful in its rate of prosecutions. And one thing that we can do is to target companies and individuals that are facilitating these criminal enterprises by prosecuting them here in the United States.

Mr. Phillips. I appreciate that.

All right. I yield back my time. Thank you.

Mr. Sires. Congressman Yoho.

Mr. Yoho. Thank you, Mr. Chairman.

I appreciate you all being here. And, Ms. Meyer, I want to start with you. You were talking about, you know, what we have been trying to do with foreign affairs, or foreign aid, and USAID and the Merida Initiative. With that initiative, we have put in $3 billion since 2008. Good governance, rule of law, decrease corruption, get rid of the drugs.

And I think it is a dismal failure. I know there are some good things. And, Mr. Miles, look forward to talking to you, because you said there are some good things that have come out of this, but I am not seeing it here. And when I talk to my taxpayers, they are, like, What are we doing? We have got to have a reset in this.

And yet, when the corruption is allegedly going up to the top, the reports of President Peña Nieto in the bribery scandal with El Chapo, that is an alleged, so we have to see if that follows through. But when you have that level of corruption at the very top, you cannot have the rule of law in your big cities, let alone your little cities. And those 42 people, the teachers and students that got killed, we knew what happened, but yet nobody comes clean on that. Nobody goes to jail on that. And then you brought up, Ms. Meyer, that less than 10 percent of the cases ever get reported, let alone tried. And so, the people do not even come forward, because they say it is a waste of time and I am sure it puts their life at risk.

So when I look at the policies that we have had since—just go back to 2008, it is not working. We have to do something different. You know, we have got this war on drugs. Mexico is supposed to be with us; yet, there is over 70,000 acres of heroin growing in Mexico. We know 90 to 95 percent of the heroin, the cocaine that comes into America transports via Mexico. It goes through their...
cartels. I mean, if this was a business model, we would be out of business. Nobody would lend you money for this business model.

And what I propose is that this country needs to look at things differently. You know, Mr. Miles, you brought up—and I got to shout out to him, because he is one of our constituents and he is here with his great wife, Phoebe, out here, just a great family. And he has done a lot of work in this realm.

You brought up that Mexico depends on trade, primarily with the U.S. We have the USMCA trade deal. I voted against it for some other reasons, but one of the things I brought up to the Mexican ambassador when she was here is the drugs transiting. If Mexico knows they are dependent on trade, primarily with the U.S. and Canada, a weakened America is a weakened Mexico. And we know a lot of these drugs are coming up via the produce that comes in, or other things that are coming into this country.

And, so, my proposal is we move from aid to trade, and we base that trade based on policies. When we have a country that aligns with us in rule of law, getting rid of corruption—and we have got our own problems here in this country. But when we start having countries align up with us philosophically, and the rule of law so that we can work across the border, whether it is on the drugs, on the narco trafficking, the human trafficking. I do not think we should give them favored trade status. What are your thoughts on that? Anybody?

Mr. MILES. I do not think there is any scenario in my mind in which the Mexicans will be able to defeat these organizations on their own without U.S. training and assistance. So I think that always has to be a part of the policy answer.

Mr. YOHO. Do they want to defeat them?

Mr. MILES. Well, in the Mexican Presidential election, the top two issues were anticorruption and violence. So there is clearly the political desire among the Mexican people to do this. Surprisingly enough, the United States, the Trump Administration, migration were not top issues in the Mexican Presidential campaign. It was reducing violence and anticorruption.

Mr. YOHO. Where is the antidrugs in there?

Mr. MILES. Well, I mean, I think that is rolled up in the violence piece. I mean, when they say violence, it is the cartel violence.

But, again, we are talking about a country that has weak institutions, particularly at the local levels. And I think that is where we can actually make the contribution is strengthening that institutional capability all the way down, not just the national government, State, local, all the way.

Mr. YOHO. Well, and that is the frustrating thing, because we put billions and billions and billions of dollars in there to strengthen those. They are not strengthened.

Mr. Chairman, I am going to yield back. I appreciate your time. I look forward to talking to you afterwards. Thank you.

Mr. Sires. Thank you. Congressman Espaillat.

Mr. Espaillat. Thank you, Mr. Chairman.

Just yesterday, international media reported the killing of María Guadalupe López Esquivel, also known as La Catrina, who was a member of the cartel Jalisco Nueva Generación, responsible for the killing of 15 police officers last October. This 21-year-old sicaria,
who, at one point, was reported to be a good student, was killed in an exchange of gunfire between the drug cartel and Mexican Drug Enforcement officers in the region of Tierra Caliente, Mexico.

According to InSight Crime, back in the 1980’s, 75 percent of the drugs seized in the United States came from the Caribbean. By 2010, the number went down to 10 percent, with 80 percent of the drugs seized coming from Mexico and Central America. However, there has been a significant shift in that model. With a significant increase and investment in the drug war in Central America and Mexico, the numbers have begun to shift back to the Caribbean. This is also fueled by the growing prominence and importance of Venezuela in the drug trade, only a few miles away from the Caribbean.

Last December the 2nd, after escaping a raid in his residence in the Dominican Republic, Cesar Emilio Peralta, also known as el Abusador, was arrested in Cartagena, Colombia. Known to be the Pablo Escobar of the Caribbean, el Abusador today sits in a Colombian jail awaiting extradition to the United States.

He trafficked thousands of kilos of cocaine that hit the streets in the United States, in my district in the northeast, in New Jersey, Florida, New England States, all over the country, contributing to the opioid crisis that we now face in America. Yet, the Caribbean Basin Security Initiative only gets $58 million a year, a total of $600 million since its implementation back in 2010, as compared to the $3 billion given to the Merida Initiative, or the $1.2 billion given to CARSI.

What is your take on the potential shift of the drug trade going back to the Caribbean? Should we invest more in interdiction in the Caribbean and law enforcement in the Caribbean to combat the emergence of Venezuela and the shifting of the drug trade back to the way it was in the 1980’s? Any one of you.

Dr. SHIRK. I think you point to a very important problem, these shifting networks. When enforcement is increased in one place, the flows move to another. We frequently refer to this as a game of whack-a-mole when we see these shifting networks.

And I do not think we are quite there yet. Unfortunately, the flows of drugs through Mexico remains very robust, even as drug traffickers are fighting amongst themselves. I do, however, think that there should be more coordination between CARSI and the Merida Initiative, and a more united front to try to make sure that it is not as easy for those networks to shift from one region to another.

Mr. ESPAILLAT. Anybody else on that?

Ms. MEYER. I think just to add that we do need to look more at the U.S. side of this, in terms of billions of dollars that have been invested in prevention, treatment-and-recovery efforts, but a lot more still needs to be done. The U.S. lags far behind, in terms of access to treatment and getting treatment centers to people in need in the United States, particularly on the opioid crisis, and looking at taking to scale harm reduction efforts in the United States.

And so we can look at the sort of balloon effect, which is we are effective in one place and it moves somewhere else because there is also that demand in the U.S., and so looking at ways to really address demand in a more holistic way.
Mr. ESPAILLAT. Thank you.

Mr. Chairman, let me just stress the interest that I have in seeing a substantial increase in funding in the Caribbean Basin Initiative and, of course, in working together with the Colombian authorities to extradite Cesar Peralta el Abusador.

Thank you, and I yield back the remaining part of my time.

Mr. SIRES. Thank you, Congressman.

Congressman GUEST.

Mr. GUEST. Thank you, Mr. Chairman.

Members of the panel, thank you for being with us today. I want to focus my question particularly on drug cartels. Mr. Miles, you state in your written testimony that cartels are heavily involved in the narcotics trade, that 90 percent of the heroin that comes in the United States comes from Mexico and the country remains a major threat for cocaine. Increasingly, heroin is being supplanted by synthetic opioids, such as Fentanyl, and precursors from China arriving in Mexican ports on the Pacific. And according to 2017 data from CDC, 48,000 people died in the United States from opioids, including heroin prescriptions and nonprescription opioids.

I believe you would also agree that the Mexican drug cartels also play a major role in the exporting of methamphetamine into our country. Would that be correct, Mr. Miles?

Mr. MILES. Yes, based on the data I have seen. I would just add, I think we are probably in the midst of a huge transformation because of synthetics. There has already been some very interesting research that the decline of poppy production in Mexico is declining because of synthetic opioids. And these are things that can be produced anywhere, including the United States. So I think we are still trying to get a handle on exactly what that is doing to the drug trade.

Mr. GUEST. But would you agree, Mr. Miles, that most of the street-level narcotics that we see today in America do actually come into our country by Mexican drug cartels across our southwest border?

Mr. MILES. Certainly on heroin, and probably transit most cocaine. I do not know what has happened to the marijuana market.

Mr. GUEST. And then, Ms. Meyer, you, in your written testimony, talk a little bit about the fact that there are roughly nine predominant drug organizations, 200 smaller-based organizations, that they are involved in things beyond drug trafficking that include extortion, pirated goods, kidnapping, oil theft, vehicle theft, human trafficking, and human smuggling.

And then you go on to talk a little bit about the violent nature of these organizations. You say that roughly a third of the homicides in Mexico can be attributed to criminal drug organizations. You talk about a 33 percent increase in homicides since 2017. And would some of these homicides also include what we would refer to as political assassinations?

Ms. MEYER. Yes. I mean, I think especially we saw that up to the elections for 2018, where there was an unprecedented number of mayors that were actually—or mayoral candidates or local candidates that were killed. And so, I think there is certainly a part of that violence that is related to organized criminal organizations going after local politicians or candidates.
Mr. GUEST. And does violent activity generally go hand in hand with drug cartels and the way that they do business, particularly in Mexico?

Ms. MEYER. Yes. I think an important thing that we are highlighting is that these drug cartels are no longer just drug trafficking organizations. We look at them as transnational criminal organizations, because of their involvement in so many other illicit activities, including oil theft in Mexico, which is a really large priority for the current government, as well as all the other issues that you mentioned.

Mr. GUEST. And also, we are seeing a continued increase in drug cartels and human trafficking and sex trafficking. Is that correct?

Ms. MEYER. I think there is still the murky area of how much you have the human smuggling networks connected to the larger cartels. It is unquestionable that when they get to the U.S.-Mexico border, small trafficking human smugglers are paying fees to these larger organizations, but whether they are—I think there is still somewhat of a disconnect between the broader organized criminal organizations, and then the groups that are working, particularly involved in human smuggling.

Mr. GUEST. And then, Dr. Shirk, you talk in your testimony about the policy that Mexico had implemented for a number of years known as the kingpin strategy, that it was responsible for the takedown of El Chapo, a cartel leader there in Mexico, but that Mexico has recently moved away from the kingpin strategy.

And my question is, what alternative strategy has the Mexican Government implemented in place of the kingpin strategy?

Dr. SHIRK. Effectively, the Mexican Government has insisted that it will not target high-level operatives of criminal organizations, because of the destabilizing effects that it has on the drug trade and the resulting power vacuums and violence that follow. Unfortunately, I do not think that is the right approach or right response.

The problem with the kingpin strategy is that it only goes after the head, the hydra, and does not deal with the other component parts of these criminal organizations through more effective and broader prosecutorial investigations and prosecutions.

So, I think that the U.S. Government needs to work very closely with Mexico, and demonstrate that more effective prosecutions of the many component parts of a criminal enterprise can actually be effective in debilitating organized crime in Mexico, as it has worked in the United States really since the 1970's.

Mr. GUEST. Thank you, Mr. Chairman. I yield back.

Mr. SIRES. Thank you. Congressman Gonzalez.

Mr. GONZALEZ. Thank you. I have a few questions. I am going to ask Mr. Miles, to your knowledge, how are we measuring success to the Merida plan? I mean, $3 billion, what specific metrics are we using with the State Department to measure progress on our investment of $3 billion?

Mr. MILES. Well, one of the things we are doing is trying to see if any of the institution-building is having an effect, and to take as an example, the new criminal justice system, as they are switching over to an entirely new system of oral prosecutions. There has been
some measurement that the States that went earlier to that in Mexico have, indeed, seen higher conviction rates, more arrests.

Mr. GONZALEZ. How many States have gone into this new method?

Mr. MILES. All of them at this point. But it was phased in over roughly an 8-year period, so there were some that went right away and others that waited. The ones that went right away are starting to see positive results. They are small, but they are positive. That is one metric.

I think another one is just sort of the professionalization, the level of professionalization we are starting to see in the law enforcement agencies and intelligence agencies. If you talk to our officials on their counterparts, they all tell you, a man or woman, testify to the professionalization of those forces that used to be, you know, very unreliable and mostly corrupt. It does not mean they are entirely not corrupt, but huge advances in those institutions.

Mr. GONZALEZ. Well, living on the border and traveling to Mexico all my life and doing business in Mexico as a lawyer before I ever came here, I see the Merida plan—I hate to say this—as a monumental failure, in terms of if you do an economic cost-benefit analysis of, you know, we have spent $3 billion, but yet, I cannot get in my car and drive 2 hours into Monterrey without feeling like my life is in danger.

And what more can we do in terms of—and what are we doing in terms of putting pressure that we have police that are actually not corrupt and making arrests, and then more than that, because there are a lot of arrests. They just all get let go, because they pay bribes and get out of jail. How do we guarantee, that they get prosecuted, and that they actually go to prison and serve their jail time? What are we doing with this vast investment that we have made to assure that those institutions have accountability?

Dr. SHIRK. I just want to say that we need to think about this as a very complex problem. Yes, we have invested $3 billion over the last 10 years. We spend more than 10 times that every year on U.S. border security.

Mr. GUEST. Yes, I know that.

Dr. SHIRK. So sometimes these complex problems do not go away just because you are spending billions of dollars, and they are problems that require much deeper interventions.

But I will say that, you know, there is not a lot I think that we can do to improve the overall integrity of Mexico’s law enforcement institutions as long as there is not professional compensation and merit-based promotion in Mexican police agencies and prosecutorial agencies. The sort of flip side of punishing corrupt individuals is making sure that honest individuals——

Mr. GONZALEZ. Are compensated.

Mr. SHIRK [continuing]. Are compensated properly, and properly motivated and incentivized.

Mr. GONZALEZ. Right. What are we doing in that respect?

Dr. SHIRK. Well, in that regard, the Merida Initiative, I think, is absolutely key for the training component, and also in helping to identify administrative regulations within police agencies and the fiscalias, the prosecutorial agencies, to help increase that professionalization.
But we can only do so much. I think the Mexican Government, at all levels, needs to be spending more on salaries and benefits and training, and continued monitoring of all law enforcement personnel.

Mr. GONZALEZ. I agree. So are we doing any of that with the Merida Initiative?

Dr. SHIRK. Yes. Particularly, I know through USAID, through INL.

Mr. GONZALEZ. What are they doing?

Dr. SHIRK. They are doing trainings of Mexican prosecutors, and also, coordination with U.S. prosecutorial agencies, groups like CWAG, Center for Western Attorneys General has spent 5 to 10 years working to coordinate between——

Mr. GONZALEZ. But, still, more than 90 percent of criminals do not get prosecuted in Mexico.

Dr. SHIRK. That is true in, especially, places where the new criminal justice system is just taking root. But, as Mr. Miles mentioned, the new criminal justice reforms, which we drove very heavily through the Merida Initiative and other USAID preceding the Merida Initiative, has been instrumental in improving the integrity of the criminal justice system and criminal procedure.

One example, we did a study in December and found that in States that had made progress in the criminal justice reforms earlier, we saw a 5 percent reduction in the use of torture by law enforcement agents.

Mr. GONZALEZ. What States are those?

Dr. SHIRK. In States like Chihuahua, in States like Baja, California. Even though there has been violence in those places, we are seeing more integrity in law enforcement. We can see small but important improvements in the——

Mr. GONZALEZ. Crime, from my point of view, seems like it has skyrocketed in Mexico. They have lost more people to violence in the last 2 years than we did in the entire war in Vietnam, soldiers in Vietnam. I mean, we could not stomach seeing body bags coming in this way. It is amazing that this is happening right next door and we kind of sometimes look the other way here in the Congress.

Dr. SHIRK. It is horrific. And sometimes the doctors are to blame when their patients die, but sometimes there are other epidemiological factors that contribute to the violence, as we talked about earlier. We can make better doctors, better police in Mexico, but at a certain level, there are so many other factors that have contributed to this violence that we have to keep the overall trends in violence sometimes separate from the progress we are making on institution building.

Mr. GONZALEZ. So, we see more than 90 percent of criminals not being prosecuted in Mexico, and you are saying it is improving in some States. What do you see in the next 10 years?

Ms. MEYER. I think I would add looking at the importance of what the Federal Government is doing, because that can be the model for what the States do, in terms of reforms. The Federal Government dragged its feet a lot on the adversarial system, and that, I think, right now, we are at a turning point, because you have a national prosecutor’s office. I think there is a lot the U.S. could do to engage with a new prosecutor’s office, and what are
their priorities for criminal prosecutions, because you should not just go after all crimes if you have limited resources. So how do you target your efforts on the more serious violent crimes? I think that is where the U.S. could be more effective and supportive. I think it was mentioned before when you’re looking at alternative——

Mr. GONZALEZ. Specific areas, right?

Ms. MEYER. Specific to the Federal Government and looking at how they are transforming to this new prosecutor’s office and looking at what their priorities are for criminal prosecutions.

The second is just on forensics. I think there isn’t—not every State in Mexico has a forensic lab. And of the forensics, they do not have ballistics, they do not have all the analytical capacity they need. So that is another area where if you do not have the ability to gather scientific evidence that is going to stand up in court, cases fall apart.

The third would be policing. The police are like the last missing part of the criminal justice reform. They were the last to be prioritized, in terms of training. Less than half of the police that are involved now in crime scene preservation have been given any training on their roles in the new system. And, so, I think doubling down on how do we work to support Mexico’s police in their new role in investigating crimes.

Mr. GONZALEZ. Thank you.

Mr. SIRES. Congressman Vargas.

Mr. VARGAS. Thank you very much, Mr. Chair and Ranking Member, for bringing this forward.

I want to agree totally and completely with my colleagues from Florida when he stated, when you have corruption at the top, the very top, you do not have the rule of law. I think that was very appropriate, especially today. So thank you for those comments. I totally agree with them completely.

Drugs really is a symbiotic evil. The reality is that in the United States we consume them and we pay a heavy price for that. A lot of our young people, and even middle age people die because of illicit drugs. But the reality is, that that same evil affects Latin America and Mexico too.

It is interesting Mexicans will tell you it is very easy to stop the drug trafficking. Stop using them, because most of the drugs come to the United States. We love to point at Mexico and say: “Why are you supplying these horrible drugs?” Mexico is saying: “Why are you consuming them? Because it is killing our people too.”

So we have to figure it has to be a holistic strategy. And, again, we are trying different things. I mean, the reality is in California, I think, many people voted to legalize marijuana not because they thought marijuana was a good thing, but to try to get the money out of it, the illicit money. And, you know, it is a strategy that I do not particularly like. However, I did vote to legalize marijuana for that reason.

I thought maybe if we take the money out of it that maybe, you know, kids will not use it as much and, you know, it will not be a gateway drug and maybe we can get some of the deaths, the murder, and all this other mayhem out of there. So we will see if that works.
Now, I do have to ask about the new President in Mexico. Obviously, he has a different strategy than previous Presidents, as you have been talking about, but his security plan, you know, the hugs versus bullets or whatever, I do not have a lot of faith in that.

And I would like to ask Dr. Shirk, you first, because you said this thing is a many-headed thing and you chop one off and it pops up. What about his strategy? What are the gaps in his security? And I do agree with, by the way, the use of the National Guard. I think it has been ridiculous when they are trying to stop a bunch of these poor people from coming up. They do not have the drugs. They are not selling drugs. They are not killing anybody. But he uses most of the money for the National Guard to stop these people from migrating. If you could talk about where you think the gaps are in his security policy?

Dr. Shirk. So, first of all, thank you. You are my Congressman, so I appreciate the opportunity to speak to you as a professor from the University of San Diego. I would say, you know, the——

Mr. Vargas. Take all the time you would like.

Dr. Shirk. Thank you. The Lopez Obrador Administration is focused on trying to, for example, deal with the roughly 2.6 million Mexicans that are neither—young people who are neither enrolled in school nor employed, by giving them scholarships and internships. He has tried to address the problem of crime and violence by creating a new Public Security Secretariat, he has created a National Guard, and he has created this new fiscal prosecutorial mechanism.

These look really good on paper. Each of these elements, or each of these changes, I think, potentially has merit. Unfortunately, it all comes down to the implementation. And giving, you know, $200 scholarships to tens of thousands of Mexican students does not really get to the most violent actors, for example. And so, I am a little bit dubious about the long-term benefit of his scholarship initiative.

When it comes to the Public Security Secretariat, what is very clear is that the new National Guard is nominally reporting to the new Public Security Secretariat, but it is effectively an outgrowth of the Mexican military, and lacks some of the important accountability mechanisms that we would expect for law enforcement.

And last, the new fiscalia is still really trying to build this agency while the cars in motion. So, I think we have seen very few results so far from the Administration. I think it is very distressing to the Mexican public, the idea of——

Mr. Vargas. I am going to stop you just for 1 second, because I am running out of time, but I do want to ask you about extradition and prosecution in the United States. It does not seem like he is very much in favor of that either.

Dr. Shirk. I agree with that.

Mr. Vargas. So that, I think, is going to be a big problem. Do you suspect that is going to be a big problem, too? Because there is always that fear. I think the drug traffickers have that fear they are going to be extradited to the United States and they will not be able to escape here, and I do not think he is very anxious to extradite anybody.
Dr. SHIRK. I think we will see fewer extraditions over the next 5 years remaining in his Administration than we have seen over the last 5 to 10 years through other Administrations.

Mr. VARGAS. Thank you very much, Doctor. Thank you.

Mr. SIRES. Thank you. Congressman Castro.

Mr. CASTRO. Thank you, Chairman.

As we speak, hundreds of people from Central America seeking refuge at our borders are forced to wait in Mexico as their asylum claims are processed. Tomorrow, the congressional Hispanic Caucus will be visiting some of these folks in Brownsville, and later in Matamoros, Mexico.

These individuals and families are subject to gang violence, extortion, and crime when waiting at the border. Can you tell us what the conditions are in Mexican border cities where these asylum seekers are having to remain, because of the Trump Administration’s Remain in Mexico policy?

Ms. MEYER. I think the conditions are very dire in the majority of the cities we have seen, particularly in Nuevo Laredo, Matamoros, tent cities that are stood up I think, in part, because when the Mexican Government also accepted the expansion of this program, they did very little on their side of the border to ensure that they had the public services they needed. So you have lots of people living on the streets in very precarious situations and, as you mentioned, victims of crime.

I think that is the key issue is we have seen migrants kidnapped in Mexico historically. For over a decade, migrants have been targeted by criminal organizations at the border, and yet it continues, in part, because, as we mentioned, there is very little investigations into these crimes in Mexico.

Mr. CASTRO. Many of these Mexican cities the U.S. Government has advised Americans not to travel to.

But my follow-up question to that is not, in this case, about the American Government. We know what the Trump Administration is doing. AMLO ran as a reformer for President of Mexico, but there have been reports about his possible complicity with the Trump Administration in perhaps abusing the human rights of some of these asylum seekers and making their path harder, not in a just way but perhaps in an unjust way. Can any of you speak to that?

Ms. MEYER. I think there is twofold here: One, we would certainly view, as a human rights organization, the migrant protection protocols in that program is inhumane and should be ended, because of the impact it has on the safety of asylum seekers and their ability to get protection in the United States, including processing their cases and having legal assistance.

I think the Mexican Government’s own detention strategy has likely deported back to the dangerous situations people are fleeing from, because they do not adequately screen people when they are apprehended in Mexico. That said, there were 70,000 asylum requests in Mexico last year, and they are certainly working to expand their own capacity to protect people. So I think they certainly have a responsibility ensuring that people that want protection have the opportunity to request it, but they have not done nearly enough in this area.
Mr. Castro. On a different subject, a significant contributor to gang violence and cartel violence in Mexico is the export, both authorized and unauthorized, of small arms bought in the United States and taken to Mexico or exported to Mexico. In your estimation, what can the United States do to prevent small arms, including assault weapons, bought in the United States from being sent to Mexico to be used by cartels and organized crime?

Dr. Shir. Well, I think in my written testimony I suggested, for example, a ban on the import of assault weapons to the United States, which make their way into the Mexican marketplace is one good place to start.

I also think that our efforts to increase the capacity for ATF and other agencies to investigate straw purchases is greatly needed. It would be nice to have a registration requirement for large-volume ammunition purchases and unassembled assault weapon kit imports.

There are I think many things that we can do, and these have been on the table for a very long period of time. What I am encouraged by is that in the last few months, we have seen the United States and Mexico set up a commission, a binational commission to address those issues. And I think it would be very valuable for this committee to monitor actively the progress that is being made through those binational dialogs.

Mr. Castro. Any other remarks on that question?

And there was a comment made earlier about the amount of drugs that come from Mexico. But I think as we think about that fact, we also have to consider the fact that the United States, right now, is spending billions of dollars on a border wall, billions of dollars on border security in a way that is not necessarily dealing with the customs, with the things that come in or slip in, and the fact that a fraction of the vehicles, for example, that come through the U.S.-Mexico border are actually properly and fully inspected. I think for the U.S. Congress, for the President, I think it is something that we have to think about, in terms of how we dedicate our own resources.

I yield back.

Mr. Sires. Thank you very much. We are going to have a second round, if you do not mind, of questioning. I will let the ranking member start.

Mr. Rooney. Thank you, Mr. Chairman.

Mr. Miles, in your testimony, you mentioned these financial intelligence units to track and identify and, if necessary, seize drug traffickers’ assets. And I know a lot of people have been interested in our ability through the Treasury Department, et cetera, to identify and track those kind of assets, just like we do in other parts of the world.

And I would be interested in your thought of how effective the kingpin designation and the seizing of U.S. assets of cartel members is and what else we might do better, and also, how effective this new Mexican law to sequester assets in Mexico might be as well and how we might be able to help them do a better job with that.

Mr. Miles. I think this is one area in which the United States could make a lot of progress with Mexico. There is certainly the
willingness there. And we have developed very sophisticated tools, you know, separately as part of the war on terror, with financial tracking and seizing. And there is definitely political willingness on the Mexican side.

What is missing, as you said, is the technical capacity. Right now, I think the Treasury attache's office in the U.S. Embassy in Mexico is, you know, very thinly staffed, and this is, really, activities the Treasury Department needs——

Mr. Rooney. So kind of compare it to the one in Luxembourg that is, like, 100 people.

Mr. Miles. Exactly. And I think it is single digits in Mexico City.

But this is an area really in which, you know, it is nonviolent, it is very effective, and it gets the cartels' attention very, very quickly. So in regards to the kingpin strategy, if that is what it means, I think that is a good idea. Snatch-and-grab, missions, I think as we have talked about, have not been effective.

Mr. Rooney. Thank you. Any other comments about this?

Dr. Shirk. I would just add that one thing that is sorely lacking in Mexico are witness protections and whistleblower protections. If we really want to identify corruption, if we want to identify where those assets are, having stronger whistleblower protections and having stronger witness protection would be a great way of getting lower level operatives of a criminal enterprise to help identify where those assets might lie or where funds are being diverted.

Unfortunately, there are no real examples of successful prosecutions using witnesses that have been turned, essentially, from criminal organizations in Mexico in the way that our prosecutorial agencies are able to do, because no one feels safe to do that.

Mr. Rooney. Thank you. I yield my time.

Mr. Sires. Congressman Gonzalez.

Mr. Gonzalez. Thank you. Just in follow-up, one last issue that I wanted to discuss. And I guess, Mr. Miles, I am sorry to pick on you, but you seem to have the background for the questions that I have.

So what are we doing, or what should we be doing to secure—and I am talking about security along with trade—to secure our trade routes? In the small city of McAllen, which is the southern portion of my congressional district, we get about $1 billion a year of legitimate Mexican deposits into our banking institutions. This year by, I think it was October, we had over $1 billion of retail sales to Mexican nationals who come and shop and own second homes, either in south Texas or Padre Island, somewhere in south Texas.

So they have been great business partners and clients and customers. What are we doing to assure those trade routes stay safe? And the reason I ask is, I hear of 18-wheelers being pulled over and extorted, depending what product they are bringing through and depending what is hot at the time. Tourism, even though it is high, it has been impacted, because people from Monterrey, which is the biggest city where most people come and shop and own second homes, do not come as much anymore, are selling their second homes on Padre Island and in south Texas because of those routes being so dangerous. And I think it has a direct economic impact, and I am curious what can we do?
I have been down there. I have met with Secretary Durazo about trying to secure Highway 40, and I have talked to the officials. They have sent people down there recently and they tell me it is better, but we should be securing our trade routes. In fact, I thought that that should have been part of the USMCA, which I was very proud to vote for, but I thought it was missing a security component to assure that our trade and business is also safe, and tourism is safe when they travel, especially on those main throughways to ports of entry.

Mr. Miles. Well, I think without a doubt, No. 1, investing in border infrastructure and particularly on the security side is critical, and this is something that you have probably heard quite a bit. Using better technologies to do those inspections at the border so that we have much higher confidence.

Two, I think intelligence sharing has also been one of the bright spots in the U.S.-Mexico security relationship. I think that needs to be expanded to include, as you said, those routes coming in on the trade side, not just, for instance, in the areas of the border in which there is no security.

And then maybe something like what we similarly do in airports outside the United States, where you do sort of prechecks, using U.S. personnel or at least U.S. assistance. Do something like that.

Mr. Gonzalez. On the other side of the border?

Mr. Miles. On the other side, with Mexican cooperation.

Mr. Gonzalez. That would be great. I would love to see that.

Mr. Miles. These are all tools I think that would make a dent.

Mr. Gonzalez. I envision like safe zones. I know people do not want to hear the green zone as an example, but having a trade route, having it completely secured from the port of entry to say Monterrey or whatever the major city hub is where the trade is happening, that they can have either military or some kind of security every so many miles to completely shield trade and tourism through those routes.

And it does not seem like it should be that complicated to do, but I can assure you that it is having a huge economic impact and there is a price tag to that insecurity that we do not seem to talk much about, and we did not really get into that thoroughly during the USMCA. I felt that it was rushed without having that security component. But whatever opinions you guys want to share on that idea, I would be happy to listen.

Ms. Meyer. I think Mexican security experts have brought forward that idea several times, are there areas where the Mexican Government should be looking at securing highways, particularly for these high-traffic areas. I am not sure with the Lopez Obrador Administration how far they have gone with those discussions.

I would caution, though, I think the other kind of missing part of that is looking at corruption within the security forces. So putting up checkpoints is important, but making sure that the people manning the checkpoints are working on the right side of it. And, so, I think it goes back to we need to ensure that Mexico has really strong accountability for this.

Mr. Gonzalez. Right. So we need to, like, find ways to be there in those trade routes.
Ms. MEYER. And work with them on these controls over the security forces.

Mr. GONZALEZ. So is that going to happen?

Ms. MEYER. I think it should be part of the discussions of future cooperation, how can we really work much more on these.

Mr. GONZALEZ. What can we do, as Members of Congress, to be helpful with that idea?

Ms. MEYER. I would say, raise it in questions, report language for appropriations, raise it with Mexican officials in terms of their security policies. How much are they looking at security in the highways as an issue.

Certainly, you have dialog with Mexican officials. And I think the other is talking to State Department, in terms of what their priorities are going to be and raising this issue, that we want to make sure that there are security forces that are securing the areas, but also working on the right side.

Mr. GONZALEZ. Thank you.

Mr. SIRES. Thank you, Congressman.

Congressman YOHO.

Mr. YOHO. Thank you, sir.

Mr. Gonzalez, we have a bill that we are putting together to do just that on the supply chain of stuff coming in, and so I will have my office reach out to you and I appreciate your attention on that.

I got to respond to my good colleague from San Diego talking about corruption. I do not believe after 3 years of investigation, that was part of the articles that got sent over there, to correct the record.

What percent of the drug and human trafficking or illicit business, that money, what percent of the GDP of Mexico does that account for? Does anybody have an estimate? Dr. Shirk.

Dr. SHIRK. Mexico has a roughly $15 trillion economy, and estimates of drug revenues and other illicit revenues range between—they range widely between about $6 billion and as high as $40 billion a year. So if you do the math on that, you are talking about a fraction of a percent of the total Mexican GDP.

Mr. YOHO. OK. I heard a higher number, you know, and I think that goes back to why this is such a hard thing to get rid of. And I thought you brought—go ahead.

Dr. SHIRK. I apologize. I said $14 trillion. I meant $1.5 trillion.

Mr. YOHO. $1.5 trillion, yes. So it is a significant amount of money. I mean, nobody is going to walk away from that. The idea of incentivizing, you know, the officials, whether it is law enforcement, court officials, or whoever in the legal system, to incentivize them, I think, is a good thing. But then there is always somebody coming by on the other side going to offer them a little bit more money or threaten their family.

And we saw this in the cocaine growing regions in Colombia and Peru, you know, to move the cocaine farmers into coca or another product. Well, the drug traffickers come back and say, no, you are going to grow this one. And they may pay them a little bit more, but they also become more violent and threaten those.

And we saw this in the cocaine growing regions in Colombia and Peru, you know, to move the cocaine farmers into coca or another product. Well, the drug traffickers come back and say, no, you are going to grow this one. And they may pay them a little bit more, but they also become more violent and threaten those.

So I think we need to look into this, you know, differently as far as the percentage of the GDP of that country. And then, we also know that a lot of that money is in the black economy, so it is
never reported. And we also know that a lot of that money is coming into our country via produce or other things.

Dr. Shirk, you brought up some ideas on getting the amount of guns going down there under control. So I assume you have an idea. What percentage of guns go down there from the United States versus from South or Central America, or seepage from the military or police down there? What percent do guns coming out of the United States account for, in your estimate?

Dr. Shirk. So we do not have very good data on that, frankly. When ATF does firearm searches for Mexico, they are only searching the firearms that Mexico presents as potential searchable firearms. So they are most likely U.S. firearms.

The percentage then of total identified firearms that come from the United States that ATF has looked at is somewhere between 70 and 80 percent, but that is not necessarily a great reflection, because ATF does not trace firearms that may have come from Central America or other places.

I will just say that on the percent of GDP question, I completely agree with you that if it is $6 billion, it is still a lot of money, even if it is not a large percentage of the Mexican economy.

Mr. Yoho. Right.

Dr. Shirk. $6 billion will buy you a lot of political science professors, for example.

Mr. Yoho. It will.

Dr. Shirk. Or police officers, or other government officials. So getting at the corruption issue, as I said before, really requires us to see professionalization of law enforcement in Mexico.

Mr. Yoho. And I agree with that, but that has to go back to rule of law, you know, and have all those things set up, those institutions.

I am going to put out a word of caution before you start recommending how we should do gun control or monitoring things in this country. We should get a handle on that so that we can talk from that perspective than just saying, it is America’s fault, we need to have a gun registry, which I do not think that is a good way to go. Other than that, I mean, we see this problem. It is something we need to get under control.

Mr. Miles, you have been down there a long time and I look forward to talking to you more when we are in the district. But this is something that it is a cancer on a society. You know, countries cannot perform to their ultimate goal and reach their full potential when you have all this corruption around you, when you have all these threats around you.

And, of course, we see it here in this country. We have certain cities and certain areas that are just terrible, you know, and we have got to get this under control. And that is going to be all of us working together. And if we are all on the same team, as I shared with the Mexican ambassador, a strong America is a strong Mexico. A weakened America is a weakened Mexico. So we are all in this together.

I yield back.

Mr. Sires. Thank you. Congressman Vargas.

Mr. Vargas. Thank you very much, Mr. Chairman.
Just to amplify the record, I do not think President Nieto was convicted of any corruption crime either, or impeached.

One of the things that is interesting about living along the border is the irony, the irony of having one of the most—one of the safest cities in the United States, certainly safest large cities in San Diego. So if you want to come to a safe place, come to San Diego. And you simply cross the border, and then you go to, probably, the most dangerous city in the world, and that is the irony of the border.

The other irony would be that if you decided to check every car that passed that border every day, the economic damage that you would do to San Diego and to Tijuana would be catastrophic. It is interesting, the fact that San Ysidro Chamber of Commerce, which is right on the border, did a study and showed that most recently, the highest increase of daily crossers are actually American citizens that are now living in Tijuana, because the rents are cheaper, the homes are less expensive, and they have decided to move now and to live in Tijuana and work in San Diego. So we do have a great relationship there, but the irony again is the level of violence that you have.

And it is not an easy question. I mean, that is why I get so frustrated, because there are lots of things that we have been trying. And I am not sure that this new President, what he is trying is going to work. In fact, I have been somewhat disappointed and that is why I asked—you know, his focus on corruption has been great, but what about the notion that these drug traffickers have literally brought incredible levels of violence, and he does not seem to address it or he does not seem—even with the massacres that have happened, he seems to have put this off on the back burner.

Could you comment about that? Ms. Meyer, it seems like you want to comment. Go ahead. But put your microphone on so I can hear you.

Ms. M EYER. I think one of the big differences is that in Mexico, there are very little consequences when you kill somebody. And I think if you can kill because you can and the odds of you actually getting investigated and prosecuted are so low, there is very little disincentive for those type of crimes. So that goes back to the institutions in Mexico.

And one is effective policing. So how do you have police that people actually trust and that they are the first person you are going to go to when you get robbed instead of maybe thinking they are part of the problem, and having criminal justice systems or prosecutors that can gather scientific evidence that stands up in court. And so, I think that it is a long-term issue.

We have talked about what should be done in Mexico. Experts estimate it is going to take about 10 more years for the criminal justice reforms to be fully effective in the country. But I think it goes back to that is the big difference—

Mr. VARGAS. So are you hopeful then that that is going to happen? Do you believe that is going to happen? Is that your conclusion?

Ms. MEYER. I am hopeful that you will see more progress on the State levels, in terms of these reforms. I think with the Federal Government, Lopez Obrador has not given really clear signs of his
commitment to strengthening the institutions he needs, and we will have to see, you know, what that might evolve into this coming year.

Mr. VARGAS. Would anyone else like to comment? Because I do want to hear some hope. I mean, we have heard all the negative things and it seems crime has gotten worse, but is there hope out there?

Mr. MILES. I think one macro change is the demand for accountability by the Mexican public, and this is something relatively new. It is not just in Mexico, you have seen it across the region. But you have seen one very brave journalist and also, several very brave NGO’s they are essentially—they are breaking these major cases on anticorruption. And it is reflecting this desire and demand by the Mexican public to hold their officials accountable.

There is still a lot of work to be done before we get there, but the public in Mexico and Brazil and other countries are now saying, we are not going to put up with governments who simply ignore or, you know, kick the can down the road.

So I think to the extent that we can work and keep attention on those civil society journalists and public institutions force accountability into that system.

Mr. VARGAS. Doctor.

Dr. SHIRK. I would just add that the Merida Initiative helped support those civil society organizations. Groups like Mexico Evalua, groups like the World Justice Project, which is based here in the United States, but has a program monitoring and evaluating justice reform in Mexico, are helping to fuel what has been the largest wave of increase in the number of civil society organizations in the last 100 years in Mexico.

We have seen a proliferation of organizations focused on justice sector improvements, anticorruption, and other accountability mechanisms. So that is something that this committee and our government can definitely do to help.

Mr. VARGAS. Well, I am still hopeful, and I want to say that, you know, we worked with Colombia and certainly the situation got a lot better there. And I hope that in Mexico it does too, and I am certainly willing to work with anybody that wants to do that.

Thank you.

Thank you, Mr. Chairman.

Mr. SIRES. Thank you, Congressman.

Congressman GUEST.

Mr. GUEST. Thank you, Mr. Chairman.

We spoke a few minutes ago about the nine major drug trafficking organizations and roughly the 200 smaller organizations that are involved in illicit activity, including narcotics trafficking, extortion, pirated goods, kidnapping, oil theft, vehicle theft, human trafficking and human smuggling. We also spoke that roughly a third to a half of all homicides can be attributed to organized crimes, and that some of those homicides do include political assassinations.

Last year, it was reported that the Administration was contemplating designating Mexican drug cartels as foreign terror organizations. My question is, one, would you support this designation and why or why not? So, Dr. Shirk, I will start with you.
Dr. Shirk. I would not. Most importantly, because I would not want to see our valuable counterterrorist resources diverted to address what is effectively a law enforcement and organized crime problem, particularly when I do think that we have very strong mechanisms already available to us, in order to go after their financial assets, in order to prosecute those individuals involved in drug trafficking on the U.S. side of the border.

That, to me, is—our resources I think are correctly allocated. The problem is the lack of capacity and the lack of integrity in Mexican judicial sector institutions that allows for these high levels of impunity. And so, I would just say that I would not support that designation.

Mr. Guest. Ms. Meyer?

Ms. Meyer. I also would not support it, I think, because in one part, you are looking at criminal organizations that are widely profit-driven and are looking more at earning money and there is not a big ideological, looking for social ideological transformation in Mexico. And so, even with the political cooptation, it is more to have control over routes than trying to impose a different political or social model over a society.

And the other is the impact it would have on U.S.-Mexico relations, and, perhaps, impact future cooperation on security, on migration, and a lot of other areas. I think there are a lot of other tools that the U.S. already has at its disposal in looking at organized criminal organizations, the kingpin designation, et cetera, that we should pursue more than looking at a foreign terrorist organization designation.

Mr. Guest. And Mr. Miles?

Mr. Miles. I would expand on that point. I think an FTO designation would be counterproductive for two reasons: One, as Ms. Meyer already mentioned, my reading of the legislation for FTO designation is that there has to be an ideological component present, not just a threat to the United States, but the ones that are currently on the list, they are either Islamic terror groups or Marxist or national separatists. I do not know how you would get there to make the argument that cartels have an ideological component, and I think it would probably get challenged in court and tie that up.

But No. 2, more importantly, I think anything that, you know, smacks of a desire to do unilateral action, whether it is enforcement or targeting by the United States in Mexico I think would set us back decades, in terms of our cooperation, the relationships that we have built with the intelligence and the law enforcement agencies.

So if they interpreted an FTO designation as a green light or permission slip from the Administration to go in unilaterally, I think that would seriously damage our interests.

Mr. Guest. Would each of you agree—and if you do not, please let me know—that the tools that we currently have at our disposal, and the strategies that we have implemented have failed to adequately control the drug trafficking organizations in Mexico?

Mr. Miles. As I mention in my remarks, if we are measuring the level of violence and the involvement in drug trafficking, we have failed to achieve that objective, absolutely. It does not mean Merida
did not accomplish other things, which I believe it did. That objective clearly was not met.

Mr. GUEST. Ms. Meyer.

Ms. MEYER. I think I would agree, in terms of looking at violence in Mexico. If we are looking at it more on how do we expand the relationship between the countries, build trust and create those institutions, I think the Merida Initiative has certainly made progress in those areas.

Mr. GUEST. And Dr. Shirk.

Dr. SHIRK. I would agree with those statements.

Just going back to this terrorism point. In many ways drug trafficking organizations are worse than ideological terrorists in the sense that they are killing for money, and they are killing 8-month-old babies, and they are drowning people, or mutilating their bodies in horrible ways. And so, I think we tend to look at the acts that they commit as terrible and horrifying and we want to condemn them, but I think that there are smarter ways that we can go about fighting these organizations.

Mr. GUEST. Dr. Shirk, just to follow-up on that, you know, based upon what you just said, shouldn’t we use every tool in our disposal to fight drug trafficking organizations to make sure that, one, that violence does not come to our shores; and then, two, to try to help our friends in Mexico as they are continuing this battle which has raged in their country now for decades?

Dr. SHIRK. I have sometimes problems with my cell phone, but I would not use a hammer.

Mr. GUEST. I am sorry. Mr. Chairman, I yield back.

Mr. SIRES. Well, thank you very much.

Thank you all for being here today. As our witnesses have explained, the challenge of insecurity in Mexico is immense. I plan to work with my colleagues in the coming months to further evaluate our assistance to Mexico and find ways to improve our strategy going forward.

I thank the witnesses and all members for being here today.

With that, the committee is adjourned.

[Whereupon, at 3:44 p.m., the subcommittee was adjourned.]
APPENDIX

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on the Western Hemisphere, Civilian Security, and Trade
Albio Sires (D-NJ), Chairman

January 15, 2020

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on the Western Hemisphere, Civilian Security, and Trade in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at https://foreignaffairs.house.gov):

DATE: Wednesday, January 15, 2020
TIME: 2:00 pm
SUBJECT: Strengthening Security and the Rule of Law in Mexico
WITNESS: David Shirk, Ph.D.
Professor of Political Science
University of San Diego

Ms. Maureen Meyer
Director for Mexico and Migrant Rights
Washington Office on Latin America

Mr. Richard G. Miles
Senior Associate (Non-resident), Americas Program
Center for Strategic & International Studies

**NOTE: Witnesses may be added.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-225-3121 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.
COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON WESTERN HEMISPHERE, CIVILIAN SECURITY, AND TRADE, HEARING

Day Wednesday Date January 15, 2020 Room 2172

Starting Time 2:45pm Ending Time 3:45pm

Recesses 0 (____) (____) (____) (____) (____) (____) (____) (____)

Presiding Member(s)
Chairman Albio Sires

Check all of the following that apply:

Open Session☑ Executive (closed) Session☐

Electronically Recorded (taped)☑ Stenographic Record☑

Television ☑

TITLE OF HEARING:
Strengthening Security and the Rule of Law in Mexico

SUBCOMMITTEE MEMBERS PRESENT:
See attendance sheet (attached).

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not members of full committee.)

HEARING WITNESSES: Same as meeting notice attached? Yes ☑ No ☐
(if "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)
QFRs from Chairman Albio Sires (attached).

TIME SCHEDULED TO RECONVENE 3:45pm

or TIME ADJOURNED 3:45pm

Subcommittee Staff Associate
### House Committee on Foreign Affairs

**WHEM Subcommittee Hearing**

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RESPONSES TO QUESTIONS SUBMITTED FOR THE RECORD

Questions for the Record Submitted by Rep. Albio Sires to Dr. David Shirk
HFAC WHCM Hearing: Mexico
January 15, 2019

1. Since Fiscal Year 2008, Congress has appropriated around $3 billion for security and rule of law in Mexico through the Merida Initiative. While certain progress has been made, Mexico experienced its highest homicide rate in decades in 2019. What specific metrics are you aware of that the U.S. is using to assess the effectiveness of Merida Initiative programming? Are there specific measures of progress that you believe the State Department should be using? Do you believe the U.S. should shift or modify its current strategy to better address violent crime and insecurity in Mexico? If so, in what specific ways?

Understanding what the Mérida Initiative has accomplished requires us to consider its origins and intentions. As initially envisioned by the Mexican and U.S. governments in 2007, the underlying motivation was to ensure that the two countries would take shared responsibility for drug trafficking as a shared problem. The effort to make progress on this policy area was of historic significance, because past Mexican governments had serious reservations about working with the United States, and the two countries were widely seen as “distant neighbors.”

This began to change under President Vicente Fox (2000-2006), whose administration cooperated closely with the United States on law enforcement and security matters, including the arrest and extradition of high profile drug traffickers. Fox’s successor, Felipe Calderón (2006-2012) came into office with an acute sense that something had to be done about the national security threat that drug trafficking organizations posed. Recognizing that Mexico historically bore a disproportionate burden in combating such organizations on its home soil, the emphasis of the Mérida Initiative was on creating a framework for binational cooperation to address shared priorities.

While several key priorities were identified—combating organized crime, strengthening the Mexican justice sector, improving border security, and promoting community resilience—there were no specific metrics established, especially with regard to violence. Indeed, when the Mérida Initiative was signed, violence in Mexico had been falling for over a decade and, in fact, 2007 was the year with the lowest number of homicides in recorded history. Therefore, from the start, there was never any publicly stated goal that Mérida would help to reduce violence by X amount.

Thus, in my view, the primary goal of the Mérida Initiative was to create a framework for law enforcement and security cooperation. In this sense, the Mérida Initiative definitely made it easier for the two government to fund and coordinate new and pre-existing programs to support Mexico’s efforts to strengthen the rule of law. Indeed, there were a number of rule of law programs that pre-dated the Mérida Initiative that were later integrated into this framework (such as USAID-TIES legal education program from which I received funding to help train Mexican attorneys in oral trial litigation techniques from 2009-12). By providing this overarching framework, the Mérida Initiative also made it possible for Congress to better monitor and evaluate U.S. security assistance to Mexico.
For me and other experts, I think the bigger question is not whether reducing violence was the goal of the Mérida Initiative, but whether efforts under the initiative may have actually exacerbated violence. Indeed, a number of scholars have argued that the militarization of Mexican counter-drug efforts—aided by the Mérida Initiative—contributed to the escalation of violence in Mexico. Certainly, as I originally testified, I believe that the arrest and extradition of top Mexican drug kingpins—known as the "Kingpin Strategy"—has had serious negative consequences. When a "kingpin" is removed from the head of a criminal organization, the power vacuum that typically results has led fragmentation and competition within and among criminal organizations. This, in turn, has led many organized crime groups in Mexico to splinter and diversify into a wide variety of violent criminal activities, including kidnapping, extortion, armed robbery, and other predatory crimes.

Still, as I also testified, it is clear that allowing violent actors—like Sinaloa cartel leader Joaquín Guzmán or CJNG head Rubén Oseguera—to operate with impunity is not a desirable option. What is therefore needed are better long-term, comprehensive criminal investigations to ensure successful prosecutions targeting not only drug kingpins, but all levels and branches of a criminal enterprise, including corrupt politicians and private sector money laundering operations. Doing so would help to address the problem of splinter groups vying for succession when a major kingpin is removed. For this reason, I believe that the United States should redouble its efforts to help train police and prosecutors to conduct more effective and wide-reaching criminal investigations and prosecutions of criminal enterprises, and support the continued implementation of judicial reforms that hold police and prosecutors accountable by ensuring due process under the law.

2. According to data from the Department of Justice’s Bureau of Alcohol, Tobacco, Firearms, and Explosives, 73,684 firearms (about 70%) seized in Mexico and traced between 2009 and 2014 came from the United States. Most of these weapons or weapon parts were purchased legally in the U.S. and illegally trafficked into Mexico. To what extent is the absence of sufficient U.S. gun safety measures exacerbating violence in Mexico? How are these weapons being trafficked into Mexico and by whom? What are Mexico and the U.S. doing to curtail the trafficking of weapons into Mexico and what more needs to be done?

In 2013, I co-authored an econometric study entitled "The Way of the Gun," with my colleagues Tophere McDougall, Robert Muggah, and John H. Patterson. In it, we utilized a unique GIS-generated county-level panel dataset of Federal Firearms Licenses to sell small arms (FFLs) that allowed us to estimate the illicit demand for U.S. firearms in Mexico. Controlling for various determinants of domestic demand (e.g., income, political leaning, population density, and spatial auto-correlation), we were able to estimate the total Mexican demand for illicit firearms trafficking, both in terms of the number of firearms and dollar sales for the U.S. firearms industry. In this ground-breaking study, we found that:

- A significant proportion of U.S. firearm dealers are dependent on Mexican demand: Because many U.S. FFLs are small businesses with thin profit margins, 46.7% were dependent on some amount of demand from the illicit U.S.-Mexico firearms trade to
stay in business from 2010-2012. This percentage had increased significantly from 37.4% in 1993;

- A sizeable and growing percentage of US firearms sales are destined for Mexico: an estimated 2.2% of U.S. domestic arms sales are attributable to illicit U.S.-Mexico firearms trafficking. Moreover, the percentage had increased from roughly 1.75% in 1993;

- The volume of firearms crossing the U.S.-Mexican border is higher than previously assumed: approximately 253,000 firearms were purchased annually to be trafficked into Mexico from 2010-2012. This number is starkly higher than the 88,000 firearms trafficked in 1997-1999, during the federal Assault Weapons Ban (AWB);

- The value of firearms sales destined for Mexico were significant and growing: The trade represented estimated annual revenues of $127.2 million for the U.S. firearms industry during 2010-2012—nearly four times higher than during 1997-1999, when the trade amounted to an estimated $32.0 million;

- The U.S. and Mexican authorities are seizing a comparatively small number of firearms at the border: Based on official seizure data, U.S. and Mexican efforts to confiscate illicit firearms have been highly ineffective. Indeed, we found that Mexican authorities seized roughly 12.7% of the total annual trade, while the United States intercepted around 2.0%.

While we have not yet updated our study, we are encouraged by the fact that the U.S. government has made available new data to track and analyze the number of Federal Firearms Licensees, which will allow us to repeat some of the research we published back in 2013. In the meantime, in my opinion, the underlying trends we found are unlikely to have changed, and the illicit flows of firearms to Mexico have continued to exacerbate the problem of violence south of the border.

In particular, I am concerned that the United States government continues to allow the importation and resale of high caliber, automatic assault rifles that are not considered to be for sporting purposes. I am also concerned that there are insufficient background checks and monitoring of straw purchasing in most U.S. states, particularly states bordering Mexico (California being an important exception).

3. In 2015, the Mexican Congress passed a series of constitutional reforms to address corruption, creating the National Anti-Corruption System, a whole-of-government mechanism to coordinate all anti-corruption institutions. What successes can be attributed to the National Anti-Corruption System? Could Mexico benefit from an internationally-backed mechanism for anti-corruption? What steps could the U.S. Government take to support the fight against corruption in Mexico?

Mexico’s anti-corruption efforts are in a state of crisis. Over the years, widespread corruption has persisted in Mexico because of a continued lack of effective accountability mechanisms. For example, from 2000-2018, the Mexican federal government’s auditor (Auditoría Superior de la Federación, ASF) opened 971 corruption investigations, but over 96% went unresolved. The National Anti-Corruption System was intended to strengthen civic oversight and involvement in

combatting corruption, but has fallen short because of a lack of political will under the
governments of Enrique Peña Nieto and Andrés Manuel López Obrador.

A key mechanism for combating corruption under the López Obrador government is the new
Federal Prosecutor’s office, which has a specially appointed anti-corruption division headed by
Maria de la Luz Mijangos Borja. Mijangos Borja’s office is charged with overseeing hundreds of
corruption investigations and prosecutions, including high profile cases involving several
former-Mexican governors. However, in a recent test of the administration’s willingness to
investigate its own internal problems of corruption, Mijangos Borja declared that energy minister
Manuel Bartlett was absolved of wrongdoing after failing to declare millions of dollars worth of
assets that he accrued on a government salary and placed in the name of his immediate family
members. This decision was widely viewed as an illustration that the López Obrador
administration is only willing to pursue anti-corruption efforts when they involve his political
opponents.

Because of the lack of political will of incumbent governments to tackle abuses of power, it is
clear that an internationally-backed mechanism to combat corruption would be beneficial in
Mexico. However, for the very same reason, such a mechanism is unlikely to be very successful.
In Guatemala and Honduras, the International Commission to Investigate Impunity in Guatemala
(CICIG) and Mission to Support the Fight against Corruption and Impunity in Honduras
(MACCIH) saw their initial successes fall victim to domestic political obstacles and a lack of
U.S. government resolve and pressure. This suggests that the current constellation of actors and
policies in Mexico and the United States will not be successful in supporting an international
anti-corruption initiative in Mexico.

4 In the past, the U.S. has withheld portions of Merida assistance due to lack of progress by the
Mexican government on human rights. Has the U.S. done enough to demand compliance with
human rights in its security assistance? What more should be done? Would you recommend
withholding any current assistance or not? Is human rights conditionality in security assistance
effective as a means of ensuring compliance by the Mexican authorities or would other strategies
be more useful?

As a past and current recipient of Merida Initiative funding, I am very familiar with efforts by
INL and USAID to ensure that contractors and grantees working under its auspices follow U.S.
laws and best practices on properly vetting Mexican government officials for possible human
right abuses. All persons trained under our USAID and INL grant, for example, were required to
follow (“Leal”) vetting procedures established under U.S. Foreign Assistance Act. This process
involved a 4-6 week background check with multiple U.S. security agencies for each of the
Mexican law professors and students we trained under our USAID grant, and a similar
background check for government officials and law enforcement officers trained under our INL
grant. These background checks have been an important measure to ensure the integrity of our
programs.

However, I am not intimately familiar with the U.S. government databases that have been
accumulated for Merida beneficiaries, and whether or how these are coordinated across different
agencies. To assess whether Mérida beneficiaries have engaged in human rights violations, it would be necessary to compile and cross-reference such data with information compiled by Mexico’s National Commission for Human Rights. To my knowledge, there has been no effort to do so. In this sense, it might be appropriate for the U.S. State Department’s Bureau of Democracy, Human Rights, and Labor (DRL) to have a more substantial role in the Mérida Initiative. Arguably, many of Mexico’s current rule of law problems—widespread criminal impunity, official corruption, and law enforcement abuses—are the legacy of the authoritarian governments that spanned the 19th and 20th centuries. Given the need for monitoring and training on human rights issues in Mexico, as well as strengthening Mexican civil society, it seems like DRL could play a constructive role.

Finally, in my view, the most important initiative to combat human rights abuses in Mexico is the implementation of the 2008 judicial reforms that introduce new due process protections, which has been a major component of the Mérida Initiative. Indeed, a recent study of over 1,500 judicial districts conducted by Rita Kuckertz, one of our research associates, found that implementation of these reforms has resulted in a 5% decrease in forced confessions and 7% decrease in use of torture among individuals arrested under the new oral, adversarial criminal justice system. While not ideal, this is still a remarkable improvement, considering that the reforms were only fully implemented in 2016 and much training is still needed to get judicial sector actors up to speed.

Unfortunately, Mexico’s new government is currently working to undermine those reforms. A draft of proposed counter-reforms was leaked on January 15, 2020, revealing plans by Alejandro Gertz Manero, Mexico’s Attorney General (Fiscal General de la República, FGR), and Julio Scherer, the president’s chief legal advisor, to fundamentally revise the country’s criminal justice system in a move that would very likely devalue human rights protections.

One of the most controversial reforms proposed would actually expand of Mexico’s already problematic legal mechanism for detention without charge, known as arraigo. Arraigo allows prosecutors to request judicial authority to hold suspects in organized crime cases for up to 40 days without charge during a criminal investigation, and for an additional 40 days at the prosecutor’s request. Leaked documents suggest that the Mexican government will seek to allow the use of arraigo for virtually any crime. Such a measure would gravely interfere with basic human rights protections. A second concern raised by the leaked documents is that the Mexican government appears to want to undermine due process protections introduced in 2008 by making it easier to admit evidence obtained through illicit means (e.g., torture, wiretapping, etc.). If approved, this would allow prosecutors to go back to the long-standing practice of forced confessions and other abuses as a means to achieve convictions. If passed, these counter-reform measures would seriously undermine Mexico’s due process protections, which are intended to improve the quality of Mexican law enforcement by raising the professional and ethical standards for police and prosecutors. If approved, these reforms would also undermine the tremendous investment of U.S. government has made in support for Mexico’s judicial reform efforts.

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5. According to a recent report from Human Rights First, more than 600 migrants seeking asylum in the United States have been victims of violent crimes after being returned to Mexico to await their asylum hearing under the Migration Protection Protocols (MPP) or “Remain in Mexico” policy. The report notes at least 636 reports of crimes like rape, kidnapping, and torture since the policy started in January of 2019. The report said 130 children were kidnapped or victims of attempted kidnapping. Absent revoking the Migrant Protection Policies, what can be done to ensure the safety of those awaiting asylum hearings under the “Remain in Mexico” policy?

Current policy seems to assume that there is a large number of individuals planning to make false asylum claims as a means to enter the United States. However, I have not seen any rigorously evaluated empirical data to support the claim that bogus asylum claims represented the majority or even a significant share of people released into the United States. Meanwhile, the available data clearly belie the notion that Mexico is a safe harbor for asylum seekers from Central America to await consideration of their petition. For decades, Central Americans making their way to the United States via Mexico have been subjected to violent crimes and grave human rights abuses at the hands of criminals and even government officials. Moreover, it is unclear whether the U.S. government’s Migrant Protection Policies will withstand legal challenges currently being presented by various public advocacy groups.

If the Migrant Protection Policies remain in place, however, there are several things that the U.S. government could do to help ensure the safety of asylum seekers waiting in Mexico. In each of the major border cities where asylum seekers have accumulated, the U.S. government could provide funding and direct support to ensure the personal safety of persons requesting asylum. That is, Congress could authorize funding to enable U.S. consulates in these cities to provide for housing, medical services, and private security protection for asylum seekers. However, in my view, this would be much more costly and inefficient than allowing such persons to enter the United States to assert their asylum claim, since they would immediately benefit from better public safety conditions and access to support from friends, family, and community organizations.

In my view, if procedures for screening asylum applications becomes focused on deterrence, this undermines the primary objective of asylum law. A better strategy and practice would be to focus on more effective monitoring and handling of asylum claims of families after they have been admitted into the United States. Technology makes this quite easy, since individuals who are seeking asylum can be assigned ankle bracelets and other monitoring systems to ensure that individuals who present bogus claims can be identified and removed after following due procedure. In short, there are far better ways for the U.S. government to use its money to handle asylum claims than to make people wait unnecessarily in border communities with homicide rates that are many times higher than those found in the United States.

6. Mexico relies on a broader definition of who can qualify for asylum than the United States does. It includes those who have fled their country because their lives, security, or freedom have been threatened by generalized violence. President López Obrador’s rhetoric during his
campaign emphasized the humane treatment of migrants entering Mexico. However, the recent increase in asylum-seekers from Central America and budget cuts have seriously stretched resources for COMAR and INM, the asylum and immigration agencies, respectively. What assistance is the U.S. providing for building asylum and immigration enforcement capacity? Is it adequate to address the scope of the challenge Mexico faces? Has the Mexican government funded these agencies sufficiently to be able to manage the large numbers of asylum-seekers crossing Mexico’s southern border?

Mexico’s primary response to the Central American migrant crisis under the López Obrador administration has been the deployment of the recently created and still inchoate National Guard, which was ostensibly formed to more effectively address the country’s public security crisis. The agency draws from the effectively defunct Federal Police and the Mexican military, and is in the process of developing its mission and institutional culture to become focused on law enforcement and civil protection. At present, the National Guard has an estimated 6,500 agents deployed to its southern border with Guatemala, and an estimated 15,000 agents in the northern border region. The agency has had mixed success at reducing or redirecting Central American migrant flows.

As of February 2020, Mexico’s General Coordination Commission for Assisting Refugees (Coordinación General de la Comisión Mexicana de Ayuda a Refugiados, COMAR) had offices in Mexico City, Veracruz, Chiapas, and Tabasco. However, it had a minimal presence along the northern border region. Its efforts to encourage Central American asylum seekers to stay and find protection in Mexico have not been particularly successful. In my opinion, the lack of outreach and services in the northern border region is a major liability. In the shelters that I have visited in the Tijuana region, there is little or no contact with COMAR, and many migrants and service providers are unaware of how to take advantage of Mexican government assistance.
Response from Maureen Meyer to Questions for the Record Submitted by Rep. Albio Sires
Strengthening Security and the Rule of Law in Mexico

House Foreign Affairs Committee
Subcommittee on the Western Hemisphere, Civilian Security, and Trade
Wednesday, January 15, 2020

1. Since Fiscal Year 2008, Congress has appropriated around $3 billion for security and rule of law in Mexico through the Merida Initiative. While certain progress has been made, Mexico experienced its highest homicide rate in decades in 2019. What specific metrics are you aware of that the U.S. is using to assess the effectiveness of Merida Initiative programming? Are there specific measures of progress that you believe the State Department should be using? Do you believe the U.S. should shift or modify its current strategy to better address violent crime and insecurity in Mexico? If so, in what specific ways?

As the Congressional Research Service has noted, there is little publicly available information regarding the metrics used by the U.S. and Mexican governments to assess the Merida Initiative’s effectiveness. The CRS report “U.S.-Mexican Security Cooperation: The Merida Initiative and Beyond,” from June 2017, includes a specific section on the different efforts to develop metrics for Merida programming.1 As the GAO noted in its September 2019 report on U.S. assistance to Mexico, there were 445 State/INL and USAID Merida Initiative projects active from 2014 through 2018 and $723 million had been allocated for the Merida Initiative during this period.2 In recent years, USAID and State/INL have increased their efforts to require more specific impact indicators from the programs they are funding.

Given this scope of programming, it is difficult to provide here a comprehensive list of specific measures of progress. Members of Congress should continue to request more specific metrics of the programming from the State Department and USAID. In this regard, it would be important to inquire into how these agencies have worked to address a key recommendation made by the GAO in its 2010 report on performance indicators, particularly on the need to adopt outcome-based measures and not just output measures; these may include baseline indicators, performance measurements, and clear benchmarks. In the case of training provided to Mexican police, prosecutors, public defenders, forensic experts or other operators within the criminal justice system, these measures should include procedures for following up with the participants in the trainings to assess the impact and effectiveness of training.

As I raised in my testimony, strong, effective, rights-respecting police and justice institutions have the best chance of addressing the problems of insecurity, violence, and corruption in Mexico. While the first few years of the Merida Initiative provided Mexico with significant support for hardware and equipment, recent years of aid have shifted substantial funds to address support for the long-term task of institutional strengthening, which should continue.

One part of this involves supporting Mexico to build professional police forces with strong internal and external controls over their actions, and the removal of the military from public security tasks. In September 2019, the Mexican government reported that it is still well below the number of
police the country needs, less than half of the police have passed the necessary evaluations to be certified, and only 16 of Mexico’s 45 police academies meet the minimum standards. In this context, U.S. assistance should continue to provide support for police professionalization efforts, particularly at the state level, and providing funding to build or strengthen internal affairs units within Mexico’s police forces to address allegations of abuse, corruption or other crimes. Likewise, any U.S. support to the National Guard should be restricted to improving the professionalism and accountability of the National Guard, including by supporting strong internal and external accountability mechanisms.

In a December 2018 ruling against Mexico by the Inter-American Court on Human Rights on the arbitrary detention and sexual torture of at least 11 women by Mexican police forces in the context of protests that occurred in San Salvador Atenco in the State of Mexico in May 2006, the Court ordered the Mexican government to create an independent observatory with civil society participation to monitor accountability and use of force for the federal police and the police of the State of Mexico. As the National Guard has assumed the Federal Police’s role, this observatory should now apply to this new federal security force. As the Mexican government works to comply with this judgement, the U.S. may consider ways to support the government, civil society organizations, and the victims in this case, in the implementation of this independent observatory on police accountability and use of force.

A national law on the use of force was required under the constitutional reforms to create the National Guard, providing a basic legal framework for this key issue. Future U.S. cooperation may consider supporting the implementation of this law. This might include how to address the law’s weak system of sanctions as well as in the development of protocols, training manuals and other guidelines, ensuring that they also address shortcomings in the law regarding a lack of clarity on the use of lethal force.

At the same time, U.S. support should continue to prioritize strengthening the rule of law and the criminal justice reforms. This includes training for justice operators at the federal and state level provided by INL and the DOJ, as well as USAID’s work to strengthen state-level justice institutions. It also includes engaging with the Mexican government at the federal and state level to determine possible areas of U.S. support for the transition to independent prosecutor’s offices. As the weakest link in many criminal investigations, it would also be important to assess the current project to provide training and curriculum to support the Mexican government’s efforts to train all police in their role in the new criminal justice system.

Another area is additional support for forensic laboratory assistance. Between 2014 and 2018, there was $33.68 million in obligated funding for forensic laboratory assistance (implemented by DOJ). It would be important to assess the impact of this support and consider whether expansion is needed given the report from the organization Mexico Evaluat that only 22 of Mexico’s 32 state prosecutor’s offices report having forensics units. Of those, only 21 have areas specialized in ballistics, genetics, chemistry, or forensic medicine, 18 have psychology or psychiatry units, 10 have fingerprinting specialists, and eight have areas specialized in facial composite. Additional forensic support is being provided by USAID, and should be expanded, to support state forensic capacity to address the backlog of over 37,000 unidentified remains in order to provide answers to
the families of disappeared persons but also to free up forensic lab resources to address current cases.

Lastly, combating corruption is a current priority for the Mexican government, although Lopez Obrador has sent mixed signals regarding strengthening the very institutions tasked with the prevention, investigation and sanction of acts of corruption. USAID programming supporting state-level anti-corruption systems, and civil society organizations’ role in oversight, investigations, and reporting should also be continued. Providing technical support to the federal special prosecutor for corruption at the National Prosecutor’s Office, as well as to the state-level special prosecutors for corruption, should also be considered. The U.S. may consider additional support to the Mexican Financial Intelligence Unit to combat money laundering as well as support for this unit’s investigations into other cases of illicit financing that are being referred to the National Prosecutor’s Office for prosecution.

2. In February of 2019, Mexico’s congress voted to approve a new National Guard under civilian command. President Lopez Obrador had campaigned on professionalizing the police and ending the militarization of public security. However, the National Guard includes many members of the military police and is under the leadership of a retired Army general. Has the creation and deployment of the National Guard had an impact in reducing violence and crime in Mexico? What investigative powers has the National Guard been granted and how is it working with other institutions to investigate crimes? Is U.S. assistance funding any aspect of the National Guard, its training, or its equipment?

Information provided by the Mexican government in October 2019 listed 70,920 active members of the National Guard. Of these, almost 80 percent come from the Mexican military, primarily military police from the Ministry of Defense (SEDENA). Recruitment of the force is taking place at 12 army bases and the Mexican Navy and Army are covering the salaries of all of their members that are part of this force. The Guard was officially deployed on June 23, 2019, one of its first tasks was on immigration enforcement on Mexico’s southern and northern borders. While launched with great fanfare, its creation has yet to result in a measurable reduction in crime and violence, and the guardmen’s deployment does not seem to be based on any clear security strategy to address hotspots for crime and organized criminal activity. As the majority of the force is coming from existing members of the military or the federal police, the creation of the National Guard’s has yet to represent any real increase in the size and capacity of Mexico’s federal security forces.

Guard members share the same responsibilities as traditional police forces, such as detaining suspects and collaborating with public prosecutor’s offices to investigate crimes. In addition to federal crimes, the National Guard has the power to investigate common crimes such as homicide and robbery if the Guard director has signed an agreement with state or local authorities. This presents troubling concerns for criminal investigations given the frequency in which soldiers and Federal Police agents have been implicated in obstructing justice in criminal investigations in the past.

Any U.S. equipment previously allocated to the Federal Police have been transferred over to the National Guard. It is my understanding that the United States has offered additional support to the
Mexican government for the National Guard, but I am unaware of any firm agreements. As was expressed above, any support to the force should be directed at improving the professionalization of the force while also strengthening the internal affairs unit.

3. According to the Executive Secretariat of the National Public Security System in Mexico, femicides in the country have been on the rise. An average of 10 women are killed every day in Mexico, and as many as 25% of those murders may be considered femicides. Does the Mexican government have a strategy to address femicide and gender-based violence? Is the U.S. providing targeted assistance to help implement this strategy? Does the U.S. have its own strategy to address gender-based violence in Mexico?

Mexico has a strong legal framework to address femicides and gender-based violence, particularly the landmark General Law on Women's Access to a Life Free of Violence which entered into force in January 2007. This law was amended in 2016 to include a provision criminalizing femicide. However, as the UN Committee for the Elimination of Discrimination Against Women (CEDAW) noted in its most recent review of Mexico, harmonizing state laws to this general law, particularly the criminalization of femicide, has been incomplete.

Amongst other concerns, CEDAW also noted the limited use of statistical data on violence against women. In a positive development, the Executive Secretariat for Mexico’s National Public Security System announced that in their new methodology for recording crime data, they are recording new data on violence against women based on 911 call information. The data also records disaggregated information on femicide. On January 3, 2020, the Mexican government published the protocol for the prevention, attention, and sanction of cases regarding sexual assault and sexual harassment, an additional tool to address these crimes within government offices as well as to improve attention to victims.

One aspect of the General Law is the ability to enact an alert on gender-based violence at the state level as merited by the situation in the states. However, Mexican state governments have been reluctant to issue these alerts or enact policies to address increases in gender-based violence. Oftentimes alerts of gender-based violence have only been granted through legal challenges by victims and civil society organizations or after significant media attention. At the same time, the lack of progress on investigating and prosecuting cases of femicide or gender-based violence allows the perpetrators of these acts to remain free and continue abusive practices.

Similar to previous administrations, the Lopez Obrador government has a National Comprehensive Program to Prevent, Address, Sanction and Eradicate Violence Against Women. As this was approved in September 2019, there are no clear indicators of its impact.

USAID has supported the Mexican government at the state and federal level in addressing gender-based violence. This included support for Centers for Justice that support victims of inter-household violence and the children, which “make it easier for victims of domestic violence to access services, cooperate in the prosecution of their abusers, and reduce re-victimization.” USAID has also supported the Special Prosecuting Unit for Crimes Committed against Women and Human Trafficking (FEVIMTRA) whose work is now under the Special Prosecutor for Human Rights. USAID is currently providing support to address the challenges in the
prevention, classification, investigation and prosecution of femicide cases at the state-level and for civil society monitoring of state-level prevention efforts. The Department of Justice has also provided training to trainers for courses directed at state-level prosecutors’ offices on issues such as crime scene analysis and processing from a gender perspective. Furthermore, the UNODC has provided training to identify and assist victims of gender-based violence through an agreement with the United States and the National Security Commission in Mexico. In January 2020, U.S. Ambassador Landau announced a new course on the prevention, investigation and police actions regarding cases of femicide that is part of this cooperation. The U.S. government also continues to fund the state-level Centers for Justice for Women.

We would encourage Congress to inquire about plans for the continuation of current programming, request information on indicators that have been used to measure the impact of U.S. assistance, and to inquire about the State Department and USAID’s future strategies to engage with Mexico on gender-based violence and femicides.

4. In 2015, the Mexican Congress passed a series of constitutional reforms to address corruption, creating the National Anti-Corruption System, a whole-of-government mechanism to coordinate all anti-corruption institutions. What successes can be attributed to the National Anti-Corruption System? Could Mexico benefit from an internationally-backed mechanism for anti-corruption? What steps could the U.S. Government take to support the fight against corruption in Mexico?

The National Anti-Corruption System has taken significant steps to strengthen the capacity of government institutions to detect conflicts of interest and administrative misconduct. Its first major undertaking involved revamping Mexico’s asset declaration scheme: all public officials at all levels of government—without exception—are now required to declare their assets and interests using one standardized form, and all government institutions are required to digitize officials’ submissions and make them available to the public.

The System has also led an important effort to create safe spaces for citizens to report corruption. Last year, the Ministry of Public Administration, a key actor in the System’s management body, launched a Beta version digital platform where citizens will be able to report public officials for acts of corruption and human rights violations. Such efforts are critical to galvanizing citizen participation in anti-corruption efforts and helping government institutions detect corruption.

The state-level anti-corruption systems have also made important headway in their work. For example, members of the Zacatecas system’s citizen participation committee recently presented a constitutional challenge against the nomination of the state’s superior auditor. The committee argued that the auditor’s nomination had been carried out illegally, given that it was not public and transparent and did not include adequate debate. A federal court upheld the challenge, setting an important precedent for citizen participation committees across the country in guaranteeing that those in positions of power to combat corruption are qualified and committed.

On January 29, 2020, the National Anti-Corruption System passed the National Anti-Corruption Policy, a document that outlines 40 public policy priorities aimed at combating various levels of corruption (from police officers requesting small bribes to high-level government officials
embezzling public funds). The document also establishes clear avenues of coordination between government agencies responsible for preventing, investigating, and sanctioning corruption.\textsuperscript{56}

Several Mexican and international organizations have advocated for the creation of an International Mechanism to Combat Impunity to investigate atrocity crimes and related corruption in Mexico. As a part of this proposal, temporary international staff would work with national experts to independently investigate these crimes.\textsuperscript{57,58} In 2016, the United Nations High Commissioner for Human Rights recommended that Mexico establish an Advisory Council of renowned experts in the field of human rights and the fight against impunity to advise the Mexican government on strategies and reforms to strengthen investigations and prosecutions and to reverse impunity rates.\textsuperscript{59,60} Neither proposal has garnered significant momentum within the Mexican government.

At the very least, Mexico should continue to make use of mechanisms like the Interdisciplinary Group of International Experts (backed by the Inter-American Commission for Human Rights) that is providing technical assistance in Mexico’s investigation into the 43 Ayotzinapa students who were forcefully disappeared by Mexican security forces in the town of Iguala, Guerrero in September 2014. International technical assistance in cases like these can help shield sensitive investigations from political interference. International technical experience has also been useful for other situations in Mexico. In 2017 USAID supported work in Coahuila to hire a team of Colombian experts to provide technical assistance to the state prosecutor’s office on searching for and investigating cases of disappeared persons.\textsuperscript{61,62}

The United States government has provided important support for Mexico’s anti-corruption efforts, particularly at the state level. USAID has facilitated the creation of national conferences for state-level citizen participation committees and anti-corruption prosecutors to come together to coordinate their efforts and discuss best practices.\textsuperscript{63} This has helped bring much needed coordination to Mexico’s anti-corruption efforts across state lines. In addition, USAID has worked to increase citizens’ capacity to use open government tools to detect and prevent corruption and to monitor government processes in implementing anti-corruption laws and institutions.\textsuperscript{64}

Areas of future U.S. support could include providing technical and financial assistance to Mexico’s new Special Prosecutor’s Office for Combating Corruption as well as the new Special Prosecutor’s Office for Electoral Crimes.

5. In the past, the U.S. has withheld portions of Merida assistance due to lack of progress by the Mexican government on human rights. Has the U.S. done enough to demand compliance with human rights in its security assistance? What more should be done? Would you recommend withholding any current assistance or not? Is human rights conditionality in security assistance effective as a means of ensuring compliance by the Mexican authorities or would other strategies be more useful?

Current human rights conditions apply to 25 percent of the foreign military financing (FMF) funds provided to Mexico. Since FY2016, FMF funds are not considered part of the Merida Initiative, although they form part of U.S. security assistance to Mexico.
WOLA has argued that conditioning funds for Mexico can be an important way to ensure that the State Department engages with the Mexican government on human rights and to gather information from Mexican authorities regarding prosecutions of specific cases. Conditioning select funds to Mexican security agencies based on progress made to respect human rights and to investigate and sanction those responsible also provides Congress with important leverage to measure how the Government of Mexico is taking steps to address widespread abuses. U.S. engagement on human rights sends a strong signal to the Mexican government of the need to make substantive progress in its respect for human rights within the framework of security operations and efforts to strengthen the rule of law.

Including conditions on U.S. assistance has led to important conversations between Congress, the State Department and civil society organizations regarding human rights concerns in Mexico. The conditions have also been an entryway for Members of Congress to engage on human rights in Mexico as they are linked to U.S. foreign assistance. In 2015, when the State Department determined it would not issue a report on the human rights conditions based on a lack of progress in Mexico, the publicity around the decision opened space for Mexican civil society and was viewed as a sign of the U.S. commitment to human rights in Mexico. As part of the expanded cooperation under the Merida Initiative, the U.S. and Mexican governments established bilateral human rights dialogues, usually held on a yearly basis, to discuss human rights concerns in both countries. State Department consultations with Mexican and U.S. organizations prior to these dialogues have been welcomed venues to discuss priority human rights concerns and cases.

With few exceptions, in spite of evidence provided by U.S. and Mexican human rights organizations that concluded that the human rights requirements in U.S. assistance had not been met, the State Department has issued a report certifying progress in Mexico, although there has never been any clear progress indicators have been established to make these determinations. In the most recent memo to the State Department from August 2019, U.S. and Mexican organizations proposed a series of specific indicators for the State Department to use in determining progress by the Mexican government.

The State Department’s failure to issue an honest assessment of the human rights situation in Mexico on multiple occasions has sent the message that the United States prioritizes other aspects of the bilateral relationship over human rights. A favorable report when there is little progress also sends the message to Mexican authorities that they can violate human rights with no consequences in their cooperation and relationship with the United States. The conditions themselves become less powerful if the State Department determines that they are not obliged to abide by them (as occurred in FY2017) and when the process is not transparent.

Conditioning part of U.S. security assistance to Mexico based on human rights indicators should be one of several tools to work with the Mexican government to address human rights concerns. In addition, the State Department and Department of Defense should ensure proper vetting of Mexican security forces for Leahy Law compliance. Annual human rights dialogues should continue as should engagement from Congress, the State Department and the Department of Defense with Mexican officials on specific human rights cases as well as on broader human rights concerns.
U.S. assistance can also work to strengthen human rights in Mexico. Apart from refraining from funding security forces implicated in human rights violations, U.S. assistance should prioritize building or strengthening strong internal and external controls over security forces, such as the internal affairs unit in the National Guard. Assistance should also prioritize strengthening Mexican federal judicial officials’ capacity to carry out thorough and evidence-based investigations, which include cases of human rights violations committed by Mexican soldiers and other federal security forces as well as support for state-level judicial systems.

Lastly, support for USAID’s human rights programming should continue and be expanded. This support has included support for freedom of expression and protection of journalists in Mexico; support for Mexico’s federal Mechanism to Protect Human Rights Defenders and Journalists; support to build the capacity of government institutions and more than 30 local civil society organizations dedicated to addressing cases of torture and enforced disappearances and improving access to justice and the wellbeing of victims; as well as funding to support the implementation of Mexico’s General Law on Torture and the General Law on Disappearances. Support is also being provided to strengthen state forensic capacity to identify disappeared victims and the newly established extraordinary forensic identification mechanism to address the backlog of over 37,000 unidentified remains held in state custody.

Would you recommend withholding any current assistance or not?

Since 2009, a group of U.S. and Mexican human rights organizations, including WOLA, have produced nine memos for the Department of State based on our research and documentation of the human rights situation in Mexico. Each of these memos made clear that the Mexican government had repeatedly failed to meet these requirements. This same determination was made in a memo sent to the State Department in August 2019, although the organizations recognized that it was too early in the Lopez Obrador administration to be able to make a full assessment of his government’s efforts to address the human rights crisis in the country.

The current requirements are: “The Government of Mexico is thoroughly and credibly investigating and prosecuting violations of human rights in civilian courts; the Government of Mexico is vigorously enforcing prohibitions against torture and the use of testimony obtained through torture; the Government of Mexico is searching for victims of forced disappearances and credibly investigating and prosecuting those responsible for such crimes.” WOLA will be producing a joint memo with colleague organizations in July 2020 to inform the State Department’s assessment. Based on our preliminary assessment, we would conclude that the requirements are not being met and that the conditioned funds should be withheld. We recognize that progress is being made to search for the victims of forced disappearances, particularly through the renewed work of the National Search Commission. However, we have seen little to no progress on investigating and prosecuting violations of human rights in civilian courts, including on cases that have had rulings against Mexico at the Inter-American Court of Human Rights and those involving forced disappearances. We also remain concerned that the use of torture continues to be widespread. While the General Law on Torture strengthened the country’s legal framework to prevent and sanction torture, it continues to suffer from incomplete implementation and widespread incompliance.
6. Between 2012 and 2018, at least 161 human rights defenders and 40 journalists were murdered, many in direct connection to their work. In 2018 alone, at least 48 human rights defenders and 8 journalists were murdered. The Mexican government created the Mechanism to Protect Human Rights Defenders and Journalists in 2012, with the primary goal of providing immediate protection to those at risk. Since August 2017, six beneficiaries of the mechanism have been murdered. What challenges does the Mechanism face in protecting journalists and defenders at risk? What has been the impact of U.S. assistance to the Mechanism?

The biggest challenge facing the Mechanism is a severe lack of human and financial resources. Currently there are only 38 staff members overseeing the protection of over 1,150 human rights defenders and journalists. In addition, Mechanism officials report that insufficient cooperation from state- and municipal-level police, prosecutors, and other authorities makes it difficult for them to assess and react appropriately when defenders and journalists are under threat.

Other challenges arise from the protection measures themselves. For instance, the Mechanism often assigns security equipment, such as surveillance cameras, without assessing whether the recipient can afford to keep up with the ongoing costs of these measures (energy bill costs, for example). In the case of journalists and defenders living in rural areas with minimal state presence, the Mechanism’s protection plans often fall short (it takes police too long to respond to a threat, minimal satellite signal limits the effectiveness of telecommunications protection measures, etc.).

U.S. assistance, primarily through USAID’s ProVacas project, has played a critical role in strengthening the Mechanism. The project has helped train Mechanism staff on better risk analysis procedures and helped to identify weaknesses in certain protection measures. In addition, the project has worked with Mexican authorities to develop standardized protocols for investigating crimes against journalists and human rights defenders, which can serve as a useful tool for police and prosecutors investigating these attacks.

In its current form, the Mechanism serves almost solely as a protection body, and has invested little in violence prevention efforts. Over the past year, officials within the Ministry of Interior’s Human Rights Unit have promised to “reengineer the Mechanism,” focusing primarily on developing additional prevention functions. However, we have so far seen little progress in this area. This is one area where U.S. technical and financial assistance could be particularly useful going forward.

7. According to a recent report from Human Rights First, more than 600 migrants seeking asylum in the United States have been victims of violent crimes after being returned to Mexico to await their asylum hearing under the Migration Protection Protocols (MPP) or “Remain in Mexico” policy. The report notes at least 636 reports of crimes like rape, kidnapping, and torture since the policy started in January of 2019. The report said 130 children were kidnapped or victims of attempted kidnapping. Absent revoking the Migrant Protection Policies, what can be done to ensure the safety of those awaiting asylum hearings under the “Remain in Mexico” policy?
U.S. policymakers should ensure that Customs and Border Protection is abiding by the guiding principles they established for the program which specify that certain individuals should not be returned to Mexico given their vulnerable condition. This includes Mexican citizens, individuals with special physical and/or psychological health concerns, or individuals who would likely suffer persecution or torture in Mexico. More oversight should also be conducted to avoid additional cases of family separation that have been reported in the program, where some members are returned to Mexico under the MPP and others are allowed to continue their asylum proceedings in the U.S., including children who have been separated from their parents.360

U.S. policymakers should also encourage the Mexican government to abide by the commitments it assumed when allowing for the implementation of this program for “humanitarian reasons.” This includes ensuring that MPP returnees have access to adequate shelter during their time in Mexico, increased access to employment opportunities, health care services, and education, and facilitating access to legal services to support their asylum claims. A special focus should be on ways the Mexican government is working to address the security risks faced by asylum seekers in Mexican border towns, including the possible positioning of Mexican security forces in areas of risk for asylum seekers (bus stations, at the border crossing, etc.)361

Both governments should increase cooperation on cases involving the kidnappings of asylum seekers who are under the MPP. In most of the cases reported, U.S. based family members are being extorted to pay a ransom for the release of their loved ones. The Department of Justice’s Human Rights and Special Prosecution section (HRSP) and the FBI collaborate regarding cases of this nature. U.S. based families of the victims are encouraged to contact the closest FBI Field Office to report these crimes, regardless of their immigration status.362 More broadly, regular meetings should be held between prosecutors from Mexico, Central America, and the United States to address transnational crimes against migrants and asylum seekers.

8. Mexico relies on a broader definition of who can qualify for asylum than the United States does. It includes those who have fled their country because their lives, security, or freedom have been threatened by generalized violence. President Lopez Obrador’s rhetoric during his campaign emphasized the humane treatment of migrants entering Mexico. However, the recent increase in asylum-seekers from Central America and budget cuts have seriously stretched resources for COMAR and INM, the asylum and immigration agencies, respectively. What assistance is the U.S. providing for building asylum and immigration enforcement capacity? Is it adequate to address the scope of the challenge Mexico faces? Has the Mexican government funded these agencies sufficiently to be able to manage the large numbers of asylum-seekers crossing Mexico’s southern border?

In July 2016, the U.S. and Mexican governments announced their intention to develop a training program for INM agents that would “enhance INM’s capacity to identify and interview vulnerable populations” and would “also include repatriation best practices and provision of migrant services.” In 2017, U.S. agencies began working with the INM to develop a pilot “training academy” course to improve baseline skills. WOLA staff were told in a meeting at the U.S. Embassy in Mexico City in August 2019 the basic training program continues for agents of the INM and the customs and revenue service (Servicio de Administración Tributaria, SAT).
During the Obama administration, at Mexico’s largest migrant detention centers in Tapachula, Chihuahua, and Acayucan, Veracruz, the INL supported the presence of “mentors” U.S. Customs and Border Protection (CBP) or Immigration and Customs Enforcement (ICE) agents who were on-site to advise about standard operating procedures, to assist with information sharing, and to coordinate on cases of migrants from countries outside the Western Hemisphere that are “of interest” due to terrorist activity. INCLE assistance also funded the installation of kiosks managed by the INM to collect biometric data on detained migrants. The kiosks shared information about the migrants with the U.S. government, which crossed them with Homeland Security’s IDENT database. All of Mexico’s 52 migrant detention facilities now have this biometric equipment. Members of Congress should consider requesting information from the State Department and DHS regarding any new programs to support Mexico’s migration enforcement capacity.

The State Department’s Population, Refugees, and Migration funds are supporting the Mexican government’s efforts to increase its asylum capacity. In 2019, of UNHCR Mexico’s $60.56 million budget, $55.54 million was funded by the United States. The UNHCR is supporting opening new COMAR offices in Monterrey, Tijuana, and Palenque, and it has provided support to hire 110 staffers to support the processing of cases. It is also providing technical assistance, including a “Quality Assurance Initiative” to attend a larger quantity of cases in a more effective way. UNHCR has also provided funding to improve shelter capacity, particularly for temporary housing for asylum seekers, direct cash assistance programs for asylum seekers while they are still being processed; support to organizations to provide legal assistance to asylum seekers, and a relocation program that moves people who gain refugee status to areas in Mexico, such as Saltillo, Guadalajara and Monterrey, that can provide improved economic opportunities and that are better able to integrate this population.

U.S. support for UNHCR has been crucial to improving Mexico’s ability to effectively process asylum cases and support asylum seekers in the country. This support should continue at the current levels or be increased. However, the Mexican government must also designate more resources to COMAR so that it has the human and financial resources it needs to effectively process cases and reduce wait times. In 2019, COMAR received 70,302 asylum requests, more than doubling the number of requests received in 2018. In January 2020, the Commission received 5,936 asylum requests. Of all of the requests received by COMAR between January 1, 2018 to October 25, 2019, a decision was pending in over 70% of the cases. In spite of the dramatic increase in requests and long processing times, the agency’s 2020 budget is a mere $2.35 million dollars.

1 https://fas.org/sgp/crs/row/R41149.pdf
For more information on the measures that should be adopted by the Mexican government, see this letter to the Mexican government by more than 100 organizations and individuals regarding the safety of asylum seekers under the MPP: [https://www.wral.com/2019/11/remain-in-mexico-letter-mexican-government/](https://www.wral.com/2019/11/remain-in-mexico-letter-mexican-government/)


Responses to Questions for the Record
Submitted by Rep. Albio Sires to Mr. Richard Miles
HFAC WHEM Hearing: Mexico
January 15, 2019

Response from Richard G. Miles to Questions for the Record Submitted by Rep. Albio Sires
Strengthening Security and the Rule of Law in Mexico

House Foreign Affairs Committee
Subcommittee on the Western Hemisphere, Civilian Security, and Trade
Wednesday, January 15, 2020

1. Q: What specific metrics are you aware of that the U.S. is using to assess the effectiveness of Merida Initiative programming?

A: Among the successes of the Merida Initiative, the State Department cites the capture and extradition of high-value criminals such as Joaquin Guzman, the creation of national training standards for law enforcement and justice sector officials, the seizure of over $4 billion in illegal drugs and money, and the detention of almost 600,000 Central American migrants from 2015-2019.

2. Are there specific measures of progress that you believe the State Department should be using?

A: The State Department or other U.S. agencies also should monitor: a) the level of violence associated with drug trafficking (for example homicides, shootings, kidnappings); b) the number of arrests for criminal offenses and the number of criminal cases successfully brought before local, state, or federal courts, as well as the number of convictions and acquittals; and c) the number of local, state, and federal anti-corruption investigations, prosecutions, and convictions.

3. Do you believe the U.S. should shift or modify its current strategy to better address violent crime and insecurity in Mexico? If so, in what specific ways?

A: While continuing to provide security and enforce the rule of law throughout its territory, Mexican officials, working with U.S. assistance, should focus on measures to make the drug trade less profitable. This would include providing more technical training to Mexico’s Financial Intelligence Unit and significantly boosting the Department of Treasury’s presence at the U.S. Embassy in Mexico.

In addition, the U.S. can assist my providing high-quality quantitative data on the shifting nature of drug production and transit in Mexico. One such example is a 2019 study\(^1\) documenting the decline of poppy production in the state of Guerrero due to the rise of

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\(^1\) The U.S. Fentanyl Boom and the Mexican Opium Crisis, Wilson Center Mexican Institute, February 2019.
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4. To what extent is the absence of sufficient U.S. gun safety measures exacerbating violence in Mexico?

A: It is difficult to assess the effectiveness of U.S. gun safety measures on violence in Mexico. Primarily because data on U.S. weapons seized in Mexico are not submitted on a consistent basis, therefore making it virtually impossible to document trends in illegal weapons flows from the U.S. For example, in 2010 ATF data showed a sharp drop in seized weapons in Mexico and then a sharp rise in 2011. This may have been due to a large number of firearms seized between 2004-2009 being submitted in the same year, followed by the rollout of the Spanish version of e-trace in 2010, which diverted manpower from submissions to training on the new software.²

The Bureau of Alcohol, Tobacco, and Firearms (ATF) maintains that the introduction of Demand Letter 3, which required pawnbrokers in Arizona, California, New Mexico, and Texas to submit information on sales of multiple rifles to unlicensed purchasers, has made it harder for firearms traffickers to acquire weaponry that contributes to cartel violence in Mexico. However, absent reliable and consistent year over year data on gun seizures, it is difficult to prove this claim.³

5. How are these weapons being trafficked into Mexico and by whom?

A: According to ATF, about 75% of the weapons seized in Mexico originated from Texas (41%), California (19%), and Arizona (15%). In most cases, U.S. citizens buy both pistols and rifles (including automatic weapons) legally from licensed dealers and pawnbrokers, and later sell them to smugglers. According to Mexico’s Minister of Defense, guns and ammunition are transported across the U.S. southern border in hidden vehicle compartments, gas tanks, spare tires, and bottles of soft drinks. Sometimes they are also hidden in consumer items such as washing machines and televisions.⁴

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³ GAO Report 16-223

⁴ “Mexico’s defense chief says smugglers sneak guns from the US into Mexico in washing machines, gas tanks, and boxes of chocolate,” Business Insider, December 5, 2019
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Of concern to the ATF is the new tactic of disassembling weapons and smuggling the parts across the border, later to be reassembled in Mexico. Most of these parts are not classified as firearms under the Gun Control Act, and in general do not require a serial number. In addition, gun shops and other retailers are not required to report on the purchase and sale of firearm parts.6

6. What are Mexico and the U.S. doing to curtail the trafficking of weapons into Mexico and what more needs to be done?

A: The Mérida Initiative has provided funding to combat illegal weapons trafficking from the US into Mexico. This includes funding for over 300 canines trained to detect weapons and ammunition, money for K9 team training facilities, and non-intrusive inspection equipment, infrastructure improvements, and border security training.6

However, insufficient or uneven data collection by both Mexican and U.S. agencies continues to hinder an accurate diagnosis of the problem. The systems are on both sides of the border must be able to produce year over year quantitative analysis of the major trends in purchases, origins, destinations, and end use.

Additionally, there continue to be coordination and jurisdictional problems between ATF and Immigration and Customs Enforcement (ICE). In particular, the two agencies should monitor the implementation of a 2009 Memorandum of Understanding to improve collaboration.

7. Has the U.S. done enough to demand compliance with human rights in its security assistance? What more should be done?

A: Mérida Initiative funds have not been contingent on human rights concerns since FY2016. Mexico’s record on human rights remains weak. In 2018, 49 human rights defenders and 9 journalists were killed. The infamous disappearance of 43 students in Ayotzinapa, Guerrero has gone unresolved, although President López Obrador has created a presidential commission to investigate the case, as well as a national commission to find the approximately 40,000 Mexicans who have disappeared in the last ten years.7

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6 GAO Report 16-223
6 The Mérida Initiative, US Embassy Mexico website
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The U.S. should continue to provide assistance to the training of police investigators and forensic experts to build cases against human rights abusers. It should also provide resources to groups that are dedicated to the support and protection of journalists, who are the only source of credible information on violence and human rights violations by the cartels and government authorities alike.

8. Would you recommend withholding any current assistance or not?
   A: U.S. assistance may be the most effective tool available to encourage Mexico’s enforcement of basic human rights standards. Great care should be exercised in any decisions to withhold or delay security assistance aid, which may in fact reduce U.S. leverage over Mexican human rights policies.

9. Is human rights conditionality in security assistance effective as a means of ensuring compliance by the Mexican authorities or would other strategies be more useful?
   A: A more useful strategy could include doubling down on programs that strengthen the very institutions that should and could provide the human rights protections that Mexico needs. For instance, Mérida funding has resulted in the international accreditation of 20 prisons in Mexico. Training for justice sector personnel (judges, prosecutors, defense attorneys, investigators) has shown positive results in the Mexican states that first implemented the new judicial system in 2008. These institutional changes will be far more effective in protecting Mexicans’ human rights than a one or two-year cutoff of security assistance.

10. Absent revoking the Migrant Protection Policies, what can be done to ensure the safety of those awaiting asylum hearings under the “Remain in Mexico” policy?
   A: The best way to ensure the safety of those waiting is to reduce the number of those waiting. Changes in the U.S. asylum application and adjudication process appear to have had that effect. As of December 2019, of the 57,698 applicants who applied for asylum at 5 ports of entry in 2019, only 17,989 are still appearing at their hearings.6 The new, relatively low rate of approval for asylum claims, around 20%, should be well publicized in Central American media outlets by the US Embassies in those countries. This may help to deter or slow potential migrants with weak claims to asylum.

11. What assistance is the U.S. providing for building asylum and immigration enforcement capacity?

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6 MPP Court data provided by Transactional Records Access Clearinghouse (TRAC)
A: Since FY2014, the U.S. has provided over $100 million to help Mexico process asylum seekers and secure its border. This funding helped purchase non-intrusive inspection equipment, canine teams, and training in immigration enforcement. An additional $7 million in FY2018 and $32 million in FY2019 was routed through UNHCR to increase Mexico’s capacity to process asylum requests. Separately, the International Organization of Migration (IOM) is using $5.5 million in U.S. funds to improve shelters in Mexico and $1.5 million to help migrants return to their home countries.9

During the summer and fall of 2019, the U.S. signed several agreements each with Guatemala, Honduras, and El Salvador. They included agreements on asylum cooperation, biometrics data sharing, border security, and temporary work visas (H2A and H2B) for employment in the U.S. In principle, these agreements will help to reduce, or at least manage, the flow of migrants from Central America to the southern Mexican border.

12. Is it adequate to address the scope of the challenge Mexico faces?

A: The number of adjudicators for asylum claims in Mexico’s responsible agency (COMAR) is still relatively small. Additionally, despite Mexican military deployments along Mexico’s southern border, media reports and videos show that they cannot effectively (and non-violently) prevent large groups of determined migrants from crossing into Mexico.

By themselves, the agreements with the Central American governments will not solve the multitude of problems that give rise to out-migration. The rule of law and governing institutions must be strengthened, corruption must be curtailed, and trade with the U.S. should be increase to order to create prosperity for their citizens.

A step in the right direction is the aid package the Administration announced in December 2018. It committed the U.S. to provide $5.8 billion “through public and private investment to promote institutional reforms and development in the Northern Triangle.” In addition, the Administration pledged $2 billion for projects in Mexico “that are viable and attract private sector investment.” This is on top of $2.8 billion in projects that are already underway in southern Mexico through the Overseas Private Investment Corporation (OPIC).10

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9 Claire Ribando Seelke, “Mexico’s Immigration Control Efforts,” Congressional Research Service, In Focus, September 17, 2019
10 “The U.S. Strategy for Central America and Southern Mexico,” Media Note, Office of the Spokesperson, U.S. Department of State, December 18, 2018
13. Has the Mexican government funded these agencies sufficiently to be able to manage the large numbers of asylum-seekers crossing Mexico’s southern border?

A: In its 2020 budget, the Mexican allocated just $2.5 million to COMAR, its principal agency to process asylum requests. (COMAR’s budget request had been $6.6 million.) This despite the fact that COMAR processed about 70,000 in 2019, double the number from 2018. COMAR’s budget will be augmented somewhat by the transfer of 34 staff positions from Mexico’s Southern Border Commission.