



## **Obama administration's alleged release of Merida Initiative funds: A violation of US law that will encourage serious human rights violations in Mexico**

The Miguel Agustín Pro Juárez Human Rights Center, the Tlachinollan Human Rights Center, and Fundar, Center for Analysis and Investigation, condemn statements made last week by officials of the US Embassy in Mexico alleging that the US government has released Merida Initiative funding conditioned on Mexico's fulfillment of several of its human rights obligations. These human rights obligations remain unfulfilled as Mexican security forces commit widespread, unpunished violations against the civilian population.

Under the Supplemental Appropriations Act, 2008 (Pub. L. No. 110-252), which contemplates the release of hundreds of millions of dollars in military and public security aid to Mexico under the Merida Initiative aid package, 15% of certain funds under the Initiative cannot be released until the Department of State issues a report confirming that Mexico is "ensuring that civilian prosecutors and judicial authorities are investigating and prosecuting" soldiers and federal police credibly accused of human rights violations. In its August 13, 2009 report under the Merida Initiative, the State Department nowhere asserts that Mexico has complied with this requirement, one of four such human rights elements in the Merida Initiative. On the contrary, the report recognizes that under the administration of Felipe Calderón, Mexico's National Human Rights Commission has received over 2000 reports of human rights abuses committed by the army, and that Mexico's military authorities assume jurisdiction over virtually every case of human rights violations. While the report cites the exceptional "Castaños" case, in which a civilian court sentenced four soldiers for the rape of a group of women in a case initiated in 2006 (under a previous administration), the report cites no similar example since the enactment of the Merida Initiative in June 2008. The State Department further reports, "the opaqueness of [Mexico's] military court system, makes it difficult to analyze the nature and type of complaints filed, the status of cases against members of the military alleged to have violated human rights, or the results of the military prosecution."

Even limiting our analysis to this one requirement (investigation by civilian authorities of violations), it is thus clear that the release of the 15% of the funds in question, if true, would violate the US law that created the Initiative.

The announcement of the supposed release of these funds is extremely alarming in the current context of generalized human rights violations in Mexico. Indeed, the reports filed with Mexico's National Human Rights Commission or the cases reported in the media represent only a percentage of actual human rights violations, since many victims do not report abuses for fear of retaliation from the military. Documented cases of military human rights violations in 2009 include forced disappearances in diverse parts of the country; brutal torture of dozens of municipal officials held captive in a military base in Tijuana; arbitrarily opening fire against a bus full of civilians, killing one of them; and storming a group of rural Guerrero communities to torture and threaten the residents, including children and pregnant women.

Such cases, and the impunity that is the rule in these types of crimes, dramatically refute the Calderón administration's assertions that it fully observes the human rights protected in the numerous international treaties that Mexico has ratified. These cases of military abuse constitute flagrant violations of the International Covenant on Civil and Political Rights as well as regional human rights instruments.

It is the victims of such human rights violations who will suffer most from the United States' violation of the legal requirements of the Merida Initiative (Pub. L. No. 110-252), coupled with the Mexican government's continuing violations of its own human rights obligations. The Obama administration's announced release of the Merida funds promotes a climate of tolerance for human rights violations against Mexicans in the name of a militarized drug war that has not succeeded in reducing insecurity, much less in addressing the causes of drug trafficking from Mexico to the US or in solidifying respect for the fundamental freedoms of the population of either country.