

May 6, 2009

To: The Honorable Congress of the United States of America

Hon. Patrick Leahy, Chairman, Subcommittee on State, Foreign Operations, and Related Programs
Committee on Appropriations
United States Senate

Hon. Nita M. Lowey, Chair, Subcommittee on State, Foreign Operations and Related Programs
Committee on Appropriations
United States House of Representatives

Hon. Judd Greg, Ranking Member, Subcommittee on State, Foreign Operations, and Related Programs
Committee on Appropriations
United States Senate

Hon. Kay Granger, Ranking Member, Subcommittee on State, Foreign Operations and Related Programs
Committee on Appropriations
United States House of Representatives

Honorable Members of Congress:

The signatory organizations listed below address you, honorable representatives of the Congress of the United States of America, following President Barack Obama's visit to Mexico on April 16 and 17, as well as the visits by high level public officials from the Obama administration in previous weeks; all of which represent a significant step forward in relations between our countries. In particular, in this letter we outline our concrete concerns regarding military assistance from the United States to Mexico.

We have closely monitored the impact of public security policies implemented by the current presidential administrations in both Mexico and the United States as well as bilateral assistance in this area. In this respect we make special mention of recent statements, such as those made by Secretary of State Hillary Clinton, in which high level officials of the President Obama administration have recognized the United States' responsibility in the problem of drug trafficking-related violence in Mexico owing to factors such as the high demand for drugs in the United States.

Furthermore, we welcome recent comments by the Secretary for Homeland Security, Janet Napolitano, which affirm that strengthening civil institutions, not increasing militarization, is the answer to combating high levels of violence along the United States-Mexico border. We hope that this perspective is shared by the U.S. Congress when determining how to allocate funds for public security and to support Mexico.

We wish to emphasize the current reality in Mexico where President Felipe Calderón has introduced a package of proposed legislative reforms to our Congress which contemplate declaring states of emergency that would justify the takeover and control of the Mexican Army over civilian institutions when these are considered inadequate or inefficient and when such a measure is considered strategic for national security. These proposed reforms are concerning because of the abuses that can arise from the militarization of public security.

Taking this into account, we express our serious concerns and reservations regarding the military aid provided by the United States to Mexico. Instead, we urge for an approach that is more comprehensive and respectful of the human and civil rights of the Mexican population.

We take this opportunity to highlight the following points:

- Through the Merida Initiative, the U.S. Congress has approved the expenditure of 700 million dollars directed to Mexico during its first two years. The package includes a significant portion of foreign military financing; especially in the first year of funding.
- In 2008, the United States Department of Defense stated that it had designated almost 13 million dollars in assistance to Mexico under Section 1206 to strengthen the capacity of Mexican armed forces to carry out anti-terrorist operations.
- Recent statements by the Obama Administration and congressional leaders indicate that Congress will soon be contemplating sizeable increases in funding for “the war against drugs” in Mexico as part of the FY09 Appropriations Supplemental Request, including \$350 million dollars for the Department of Defense for anti-drug operations and other security-related activities on the United States-Mexico border and over \$400 million dollars in assistance for counternarcotics efforts in Mexico that will be channeled through the Department of State. We are concerned about the lack of clear information on the specific designation of these funds and the possibility that they will be utilized to support further military assistance inside Mexico or militarization of the border region.
- Funding for the Merida Initiative in the 2010 budget will soon be under discussion.

In light of the previous points, it is critical to contextualize the problems implicit in foreign military funding in the current circumstances in Mexico:

- The deployment of the Mexican Army to carry out public security tasks that legally correspond to the civilian police has brought with it a significant increase in human rights violations in the last two years, including extrajudicial executions, torture, arbitrary detentions and rape. In fact, the number of complaints for human rights violations committed by members of the armed forces registered by the National Human Rights Commission has increased six-fold during the last two years, reaching 1,230 in 2008¹.
- This situation owes itself in large part to considerations such as:
 - The Army is not trained to carry out tasks that legally correspond to civilian institutions. On the contrary, the mentality of the armed forces is to confront an enemy force and not to protect the rights of the civilian population in the context of normal policing tasks.
 - There is an almost complete absence of transparency in cases of human rights violations committed by soldiers, due to the use of military jurisdiction to investigate and prosecute members of the armed forces responsible for such actions. According to information obtained through freedom of information mechanisms, in the first two years of the presidential term of Felipe Calderón, military authorities opened 170 investigations under military jurisdiction in which the victims were civilians; in this same period only 10 of these investigations resulted in indictments. To date we have no knowledge of any conviction or sentence in a case of human rights violations committed by the armed forces during the current presidential administration.

The involvement of the armed forces in policing tasks is not an effective response to combat drug trafficking and violence associated with organized crime. Military presence can at times result in an increase in the number of arrests; however, as an overall strategy it has not proven to be effective as it fails to address the factors that cause and perpetuate violence. An approach that takes the social factors that contribute to crime into account is urgently needed; instead of attacking crime with short-term approaches that respond only to situational contingencies.

We respectfully request that the U.S. Congress and Department of State, in both the Merida Initiative as in other programs to support public security in Mexico, does not allocate funds or direct programs to the armed forces. We believe that a change of paradigm is needed in order to combat the factors that cause drug trafficking and violence; instead of only combating their symptoms.

¹ See the annual report of the National Human Rights Commission, available at: www.cndh.org.mx.

Any response to violence caused by drug trafficking must include measures to:

- Improve the access to drug treatment in the United States and implement other measures to reduce the demand for drugs in both countries.
- Reduce the flow of arms from the United States to Mexico.
- In terms of the possibility of providing funds to Mexico to improve the public security situation, any funding considered should take into account:
 - Programs that address the root causes of insecurity such as poverty, inequality and the lack of access to educational and employment opportunities that allow the population to live a life of dignity.
 - The strengthening of civil institutions, with civil and not military control; including the positive aspects of the judicial reform in Mexico such as the implementation of oral trials and an adversarial justice system.

Given the current considerations for the Merida Initiative 2010 budget and the possibility of more military financing to Mexico being channeled through the Department of Defense, we hope that the U.S. government takes into account the concerns and suggestions outlined in this letter in order to re-design assistance programs to Mexico. In particular, we urge the United States to consider ways to support a holistic response to security problems; based on tackling the root causes of violence and ensuring the full respect of human rights; not on the logic of combat.

Signatory organizations (all Mexican non-governmental human rights organizations):

The National Network of Human Rights Civil Organizations "Todos los Derechos para Todas y Todos"

Agenda LGBT

Asistencia Legal por los Derechos Humanos, A.C. (Distrito Federal)

Asociación Jalisciense de Apoyo a los Grupos Indígenas, A.C. (Guadalajara, Jalisco)

Asociación para la Defensa de los Derechos Ciudadanos "Miguel Hidalgo", A.C. (Jacala, Hidalgo)

Católicas por el Derecho a Decidir, A.C. (Distrito Federal)

Centro "Fray Julián Garcés" Derechos Humanos y Desarrollo Local, A. C. (Tlaxcala, Tlaxcala)

Centro de Apoyo al Trabajador, A.C. (Puebla, Puebla)

Centro de Derechos Humanos "Fray Bartolomé de Las Casas", A. C. (San Cristóbal de Las Casas, Chiapas)

Centro de Derechos Humanos "Fray Francisco de Vitoria O.P.", A. C. (CDHFV) (Distrito Federal)

Centro de Derechos Humanos "Miguel Agustín Pro Juárez", A. C. (PRODH) (Distrito Federal)

Centro de Derechos Humanos "Don Sergio" (Jiutepec, Morelos)

Centro de Derechos Humanos "Fray Matías de Córdova". A.C. (Tapachula, Chiapas)

Centro de Derechos Humanos de la Montaña, Tlachinollan, A. C. (Tlapa, Guerrero)

Centro de Derechos Humanos de las Mujeres, A.C. (Chihuahua)

Centro de Derechos Humanos, "Juan Gerardi", A. C. (Torreón, Coahuila)

Centro de Derechos Humanos Ñu'u Ji Kandíi, A. C. (Tlaxiaco, Oaxaca)

Centro de Derechos Humanos Paso del Norte (Cd. Juárez)

Centro de Derechos Humanos Solidaridad Popular, A.C. (Monterrey, Nuevo Leon)

Centro de Derechos Humanos Tepeyac del Istmo de Tehuantepec, A. C. (Tehuantepec, Oaxaca)

Centro de Derechos Humanos Victoria Diez, A.C. (León, Guanajuato)

Centro de Derechos Indígenas "Flor y Canto", A. C. (Oaxaca, Oaxaca)

Centro de Derechos Indígenas A. C. (Bachajón, Chiapas)

Centro de Estudios Fronterizos y Promoción de los Derechos Humanos, A. C. (Reynosa, Tamaulipas)

Centro de Justicia para la Paz y el Desarrollo, A. C. (CEPAD) (Guadalajara, Jalisco)

Centro de Reflexión y Acción Laboral (CEREAL-DF) (Distrito Federal)

Centro de Reflexión y Acción Laboral (CEREAL-Guadalajara) (Guadalajara, Jalisco)

Centro Diocesano para los Derechos Humanos "Fray Juan de Larios", A.C. (Saltillo, Coahuila)

Centro Hermanas Mirabal de Derechos Humanos (León, Guanajuato)

Centro Mujeres (La Paz, Baja California)
 Centro Regional de Defensa de DDHH José María Morelos y Pavón, A. C. (Chilapa, Guerrero)
 Centro Regional de Derechos Humanos "Bartolomé Carrasco", A. C. (Oaxaca, Oaxaca)
 Ciencia Social Alternativa, A.C. - KOOKAY (Mérida, Yucatan)
 Ciudadanía Lagunera por los Derechos Humanos, A. C. (CILADHAC) (Torreón, Coahuila)
 Ciudadanos en Apoyo a los Derechos Humanos, A. C. (CADHAC) (Monterrey, Nuevo Leon)
 Colectivo Educación para la Paz y los Derechos Humanos, A.C. (CEPAZDH) (San Cristóbal de Las Casas, Chiapas)
 Colectivo contra la Tortura (Distrito Federal)
 Comisión de Derechos Humanos "La Voz de los sin voz" (Coyuca de Benítez, Guerrero)
 Comisión de Derechos Humanos y Laborales del Valle de Tehuacan, A.C. (Tehuacan, Puebla.)
 Comisión de Solidaridad y Defensa de los Derechos Humanos, A. C. (Chihuahua, Chihuahua)
 Comisión Independiente de Derechos Humanos de Morelos, A. C. (CIDHMOR) (Cuernavaca, Morelos)
 Comisión Intercongregacional "Justicia, Paz y Vida" (Distrito Federal)
 Comisión Parroquial de Derechos Humanos "Martín de Tours", A.C. (Texmelucan, Puebla)
 Comisión Regional de Derechos Humanos "Mahatma Gandhi", A. C. (Tuxtpec, Oaxaca)
 Comité de Defensa de las Libertades Indígenas (CDLI) (Palenque, Chiapas)
 Comité de Derechos Humanos Ajusco (Distrito Federal)
 Comité de Derechos Humanos "Fr. Pedro Lorenzo de la Nada", A. C. (Ocosingo, Chiapas)
 Comité de Derechos Humanos "Sembrador de la Esperanza". A. C. (Acapulco, Guerrero)
 Comité de Derechos Humanos "Sierra Norte de Veracruz", AC. (Huayacocotla, Veracruz)
 Comité de Derechos Humanos de Colima, No gubernamental, A. C. (Colima, Colima)
 Comité de Derechos Humanos de Comalcalco, A. C. (CODEHUCO) (Comalcalco, Tabasco)
 Comité de Derechos Humanos de Tabasco, A. C. (CODEHUTAB) (Villahermosa, Tabasco)
 Comité de Derechos Humanos y Orientación Miguel Hidalgo, A. C. (Dolores Hidalgo, Guanajuato)
 Comité Sergio Méndez Arceo Pro Derechos Humanos de Tulancingo, Hgo AC (Tulancingo, Hidalgo)
 Frente Cívico Sinaloense. Secretaría de Derechos Humanos. (Culiacán, Sinaloa)
 Indignación, A. C. Promoción y Defensa de los Derechos Humanos (Chablekal, comisaría del municipio de Mérida, Yucatan)
 Instituto Guerrerense de Derechos Humanos, A. C. (Chilpancingo, Guerrero)
 Instituto Mexicano para el Desarrollo Comunitario, A. C. (IMDEC), (Guadalajara, Jalisco)
 Instituto Tecnológico y de Estudios Superiores de Occidente, - Programa Institucional de Derechos Humanos y Paz. (Guadalajara, Jalisco)
 Programa de Derechos Humanos. Universidad Iberoamericana-Puebla (Puebla, Puebla)
 Programa Universitario de Derechos Humanos. UIA –León (León, Guanajuato)
 Proyecto de Derechos Económicos, Sociales Y Culturales (PRODESC) (Distrito Federal)
 Respuesta Alternativa, A. C. Servicio de Derechos Humanos y Desarrollo Comunitario (San Luis Potosí)
 Servicio, Paz y Justicia de Tabasco, A.C. (Villahermosa, Tabasco)
 Servicio, Paz y Justicia, México (SERPAJ-México) (Comalcalco, Tabasco)
 Taller Universitario de Derechos Humanos, A. C. (TUDH) (Distrito Federal)
Red Guerrerense de Organizaciones Civiles de Derechos Humanos: Network of Civil human Rights organizations of Guerrero

Other signatory organizations:

Otros Mundos, AC/Campaña por la Desmilitarización de las Américas (CADA)
 Red Mesa de Mujeres de Ciudad Juárez
 Mujeres por México en Chihuahua, A. C
 Instituto Mexicano de Derechos Humanos y Democracia A.C. (The Mexican Institute for Human Rights and Democracy)
 La Red Mexicana de Accion frente al Libre Comercio (RMALC)

Individuals:

José Francisco Gallardo Rodríguez, General Brigadier del Ejercito mexicano y Doctor en Administración Pública
Enfermera, Lourdes Toussaint
Arquitecto, Félix Durán

Cc:

United States Congress

Hon. Daniel K. Inouye

Chairman, Committee on Appropriations

United States Senate

Hon. Thad Cochran

Vice Chairman, Committee on Appropriations

United States Senate

Hon. David R. Obey

Chairman, Committee on Appropriations

United States House of Representatives

Hon. Jerry Lewis

Ranking Member, Committee on Appropriations

United States House of Representatives

United States Department of State

Honorable Secretary Hillary Clinton, United States Department of State

Ms. Leslie A. Bassett, Interim Ambassador, United States Embassy in Mexico