

Strengthening Security and the Rule of Law in Mexico

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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. For the past two decades, at WOLA and in Mexico City, I have worked on human rights and rule of law issues in Mexico. I am submitting my written testimony for the record and will summarize key points.

Mexico is undergoing unprecedented levels of violence. 2019 likely will surpass 2018's record number of homicides, with an average of 97 people killed each day. 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 justice institutions, less than 10 percent of crimes are ever reported or investigated in the country. While Mexico's previous two presidential administrations took 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'll 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, Mexico's executive branch has blocked important investigations into corruption and human rights violations. In 2014, Mexico's Congress passed a constitutional reform to replace the country's Attorney General's Office with an autonomous National Prosecutor's Office separate 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, Alejandro Gertz. In the coming year, the priorities he lays out for criminal prosecutions and his engagement with civil society and victims and 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 (DOJ) recently indicted Genaro García Luna, a former secretary of public security in Mexico (2006-2012), for allegedly colluding with the Sinaloa Cartel. And in the emblematic case of the 43 forcefully disappeared Ayotzinapa students, the local police officers that arrested the students were working on behalf of an organized criminal group.

President López Obrador has made combating corruption a central piece of his government's agenda and Gertz Manero is moving select high-profile cases forward. However, tackling corruption will require more than just a few successful prosecutions. His government should also demonstrate a firm commitment to Mexico's National Anti-Corruption System, a special mechanism established in 2016 to coordinate anti-corruption initiatives at all levels of the government in the areas of prevention, investigation, and sanction.

Continuing U.S. engagement with Mexico

While Mexico must build professional police forces with strong accountability mechanisms, and remove the military from public security tasks, an effective criminal justice institution 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 has 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 (Overseas Prosecutorial Development Assistance and Training) has trained justice sector personnel on the adversarial system and has collaborated with the Mexican government in drafting relevant legislation.

Moving forward, we should ensure that all U.S. agencies involved in justice reform coordinate their efforts and measure the impact of U.S.-supported training; engage with Mexico so that U.S. assistance is beneficial to the transition to an autonomous National Prosecutor's Office; and support civil society organizations involved with the criminal justice reforms, anti-corruption 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 illicit arms trafficking to Mexico.

I want to conclude by thanking 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. 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.