



House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing on
Organized Crime, Gangs, and Human Rights in Latin America

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My name is [Stephanie Brewer](#) and I am Director for Mexico with [WOLA](#), the Washington Office on Latin America. Thank you for convening this important hearing.

Mexico is a paradigmatic example of how policies that purport to respond to organized crime by violating human rights generate devastating consequences for victims and their families, while failing to build security and the rule of law. When State agents operate by violating rights, the result is an institutional environment where authorities learn to routinely falsify information, hide their activities, and operate outside the law—all ingredients that foster corruption, further abuses, and lack of progress in reducing crime.

Today, it's necessary to analyze Mexico's anti-crime policies not only from a human rights perspective, but in light of their broader effects on civil-military relations and on Mexico's democratic institutions, especially the judicial branch.

Mexico's principal [response](#) to organized crime has been military deployment. This approach increased sharply—with U.S. support—during the presidency of Felipe Calderón (2006-2012), in the framework of a “war on crime” that led to a dramatic increase in rights violations. Over the following decade and a half, annual homicides more than tripled, disappearances skyrocketed, and criminal groups fragmented and reconfigured. Mexico's population suffered the consequences.

Military human rights violations have since fallen from the truly extreme numbers seen during Calderón's tenure, but continue to occur. Current president Andrés Manuel López Obrador has [deepened](#) the military model, replacing the civilian Federal Police with a militarized National Guard. The armed forces have seen dramatic budget increases, despite their lack of transparency. This occurs even as the military [spies](#) on human rights defenders, [hides information](#) regarding serious rights violations, and [fails to comply](#) with legal obligations such as registering its arrests in the National Detention Registry.

Moreover, militarization as a model fails to address Mexico's low rates of effective criminal investigations. Mexico cannot militarily deploy its way out of this problem. Violence occurs due to this climate of impunity and to [collusion](#) between [state and non-state](#) actors. State agents may work directly with organized crime, as in the context of the notorious enforced disappearance of the 43 [Ayotzinapa](#) students, in which security forces at different levels, both civilian and military, were found to be in collusion with criminal groups. At best, authorities may turn a blind eye to such groups' activities.

A second tendency seen in Mexico are legal actions and discourse that seek to [weaken](#) the autonomy of the judicial branch. In 2019, Mexico increased the list of crimes under which defendants are placed in mandatory pretrial detention; that is, judges are stripped of their authority to decide who goes to prison while awaiting trial. This generates a perverse incentive for authorities to focus on increasing the number of people physically going to

prison to present an image of being tough on crime, while not necessarily having to build solid cases against them—in a country where arbitrary detentions and trials have long been endemic.

In addition, López Obrador and members of his cabinet routinely tell the population that judges who rule against prosecutors are thereby generating impunity. In fact, the vast majority of impunity in Mexico occurs prior to cases ever coming before a judge. This climate of attacks on judicial autonomy only lowers the bar for criminal investigations and weakens judges' ability to protect human rights.

A human rights-based response to crime must recognize that the State will be effective at combatting crime by private actors to the extent that State agents themselves obey the law.

It is vital that Mexico build capable, trustworthy and sufficiently resourced civilian security and justice institutions. It is urgent to improve federal investigations, given that organized crime falls under federal jurisdiction (under the purview of the National Prosecutor's Office). Investigators should prioritize patterns of violence that most affect the population, making use of intelligence, technology, and mapping of networks to construct evidence-based cases that can go to court, with a focus on dismantling criminal phenomena, not just arresting people *in flagrante* or [prosecuting](#) crimes like weapons possession one by one.

Reducing availability of firearms, which flow largely from the United States, is crucial. Another key intervention point to weaken organized crime is reducing recruitment, as recent [studies](#) have highlighted.

We recommend that U.S. cooperation focus on improving the work of civilian institutions and accountability for corrupt and rights-violating agents. Recent and ongoing areas of cooperation that should be prioritized include improving the operation of the criminal justice system; anti-corruption efforts; implementation of Mexico's laws against torture and disappearances; and forensic capacity.

A human rights approach to cooperation also means raising concerns with relevant authorities, and publicly, about rights violations and the need for accountability. It is also essential to maintain human rights reporting requirements in security assistance.

Thank you.