Statement of

The Honorable Richard J. Durbin

United States Senator
Illinois
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Opening Statement of Senator Richard J. Durbin

Hearing on "Drug Enforcement and the Rule of Law: Mexico and Colombia"

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This hearing of the Judiciary Committee's Subcommittee on Human Rights and the Law will come to order. The title of today's hearing is "Drug Enforcement and the Rule of Law: Mexico and Colombia."

In the Human Rights and the Law Subcommittee, we have learned that effective law enforcement and the rule of law go hand-in-hand. Contrary to Hollywood's glamorized portrayal of police violence, human rights violations undermine efforts to combat drug trafficking and other organized crime.

Human rights protections from law enforcement abuses are embedded in our Constitution and Bill of Rights. For years, our government has sought to export these principles to other countries.

Though hundreds of millions of dollars have been spent on these efforts, there has been precious little Congressional oversight. In fact, this is the first Congressional hearing to focus specifically on U.S. rule of law assistance to foreign drug enforcement efforts.

It is logical to begin our oversight in Mexico and Colombia, which have received the bulk of U.S. rule of law assistance and which are the source of most illegal drugs in the United States.

More than a year ago, in March 2009, I chaired the first hearing of the Crime and Drugs Subcommittee in the 111th Congress, which focused on Mexican drug cartels. The situation was so dire at the time that the military was deployed into regions of Mexico, such as Ciudad Juárez, where law enforcement was no longer able to maintain order.

It is understandable that some view this as simply a quantitative problem -- too many criminals and too few police -- but, as we will learn, it is more than numbers that drive this move to military alternatives. And the military in Mexico operates with virtual impunity -- resulting in limited success in stemming drug violence and human rights abuses that rival and surpass the corruption of the law enforcement system they were tasked to replace.

Over a year after the military deployment, the death toll from drug-related violence in Mexico has grown worse. Despite the military presence, the bloodshed in Ciudad Juárez has surged, with over 2,600 murders just last year, an increase from approximately 1600 killings in 2008.

Earlier this year, the military handed over control of the city to elite federal police forces. Sadly, these developments come as no surprise. As I said at our hearing last March, military occupation, "is not a long-term fix. Investigating and prosecuting drug trafficking networks is fundamentally a law enforcement challenge."

In Colombia, the U.S. government has partnered with the Colombian government for over a decade to make significant security gains and disrupt drug trafficking operations.

Despite these extensive efforts, there are still significant challenges to developing an effective judicial system and preventing human rights abuses in Colombia. The baseless prosecutions of human rights defenders, and the "false positives" cases, where innocent civilians were executed by the military and passed off as rebel fighters killed in combat, are just two examples of remaining obstacles.

In Mexico and Colombia, we have relied on the extradition of drug traffickers to the United States as a short-term measure to disrupt drug trafficking organizations. Since 2002, Colombia alone has extradited over 900 suspects to the United States.

While extradition can be effective in the short-term, it is not a long-term solution to illegal drug trafficking. And it can have other negative effects. For example, many of the paramilitary leaders extradited to the United States in 2008 were also participating in the justice and peace process in Colombia, in connection with their involvement in serious human rights atrocities. This process has since languished.

Ultimately, prosecutions in the United States are no replacement for the ability to arrest, convict and detain drug traffickers in Mexico and Colombia. And developing strong judicial systems and respect for human rights requires long-term commitment.

Let's be clear. This isn't charity work. Combating drug trafficking in Mexico and Colombia is a vital U.S. national security interest. According to the Justice Department, Mexican drug cartels are active in every state and more than 230 American cities. And while cocaine production fell to an 11-year low in 2009, Colombia remains the world's largest cocaine producer.

We also can't ignore our own responsibility in fueling drug-trafficking and violence in Mexico and Colombia. As I noted at last year's hearing on Mexican drug cartels, "The insatiable demand for illegal drugs in the United States keeps the drug cartels in business." And, according to ATF, more than 90% of guns seized after raids or shootings in Mexico have been traced to the United States.

The people of Mexico and Colombia are engaged in a life and death struggle that is partly of our own making. We owe them our full and unflinching support.

I look forward to hearing from our witnesses about what Congress can do to contribute to collaborative efforts by U.S., Mexican and Colombian law enforcement to defeat drug cartels.