

Written Testimony of
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for International Narcotics and Law Enforcement Affairs
Before the Senate Judiciary Subcommittee on Human Rights and the Law
Hearing on “Drug Enforcement and the Rule of Law: Mexico and Colombia”
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Chairman Durbin, Ranking Member Coburn and other distinguished Senators, thank you for the opportunity to appear before you today to discuss the role U.S. foreign assistance has played in helping the Governments of Colombia and Mexico develop and strengthen the rule of law.

Progress by both nations in developing a transparent and efficient criminal justice sector is an important U.S. foreign policy goal. Colombia is an invaluable partner in our efforts to keep drugs out of the United States and develop strong police and judicial institutions throughout the Western Hemisphere. The transformation in Colombia during the last decade is remarkable and is a testament to the strong Colombian leadership, effectiveness of our support to Colombia and the strength of our bilateral relationship. While challenges in Colombia remain, Colombia in less than a decade has gone from a state under challenge to a significant source of assistance in security reform for partners in the region and much further abroad, including Afghanistan.

That said, another of our Latin American allies is facing a serious challenge to its security. Drug traffickers in Mexico have demonstrated their brutality through heinous acts that undermine safety and security in Mexico and heighten concerns throughout the region. Our commitment to assisting Mexico in strengthening the rule of law is unwavering and important to our own long-term national security.

Under strong Colombian political leadership and backed by assistance from the United States, Colombia and its people have improved security throughout their country, extended the government's presence to areas that were once ungovernable, disrupted the drug trade, and are more effectively administering justice since the inception of Plan Colombia a decade ago.

Colombia is today working to solidify the successes made under Colombia's National Consolidation Plan and Democratic Security policies. These policies apply a broad spectrum approach combining counternarcotics, rule of law and economic development programs, with a particular focus on rural and former conflict areas where democracy and adherence to the law have not fully taken hold. This means that as soon as possible, security responsibilities are being transferred from the military to the police, and illicit crop eradication is being closely followed by alternative development and efforts to establish permanent government institutions. The United States has tailored its comprehensive assistance programs to complement the Colombian Government's policies. There are five key geographic areas of Colombia where the State Department is focusing our programs in a coordinated fashion with the interagency to achieve even more permanent results.

Colombia's transition from a written, inquisitorial justice system to an oral, accusatory model is another significant achievement reached with support from the

State Department's foreign assistance programs. Beginning in 2005, the Colombian Government started the phased implementation of an oral accusatory system, a process completed in 2008. The State Department was closely involved in supporting this transition, having provided more than \$90 million since 2003 for justice sector reform. Supporting and alongside our partners in the Department of Justice, the State Department continues to provide training, equipment and capacity building for Colombian institutions.

With these justice sector reforms, Colombian cases are being resolved in a matter of months instead of years, and conviction rates have risen from around three percent to approximately 60 percent. More than 100,000 investigators, prosecutors, judges and forensic personnel have been trained in the new criminal procedure codes, and access to justice in rural and former conflict regions is expanding.

Despite these achievements, we must continue to work with the Colombian Government to enhance its capacity to hold accountable those who violate human and labor rights, solidify a comprehensive strategy to address the emergence of organized criminal gangs, and establish permanent justice sector institutions in all parts of the country. As you can see, Mr. Chairman, the job is not yet complete in Colombia, and the State Department is committed to continuing this important

work with the next Colombian Administration to provide the support it will need to continue to tackle these challenges.

As we maintain our strong bilateral relationship, Colombia is working closely with the United States to help share its experiences with other countries in the Western Hemisphere. Colombia and Mexico have a Police Cooperation Program aimed at helping Mexico train Public Security Secretariat officers in counternarcotics and criminal investigation techniques. Since 2007, Colombia has trained approximately 5,800 Mexican police and justice officials, through INL-supported programs underway in Mexico and Colombia. Colombia is also working with the U.S. and Mexico to help Mexico transition to its own new accusatory criminal justice system.

We aim to build a strong relationship with our Mexican partners on the broad national security challenges we face together. That relationship has grown and deepened since the Merida Initiative began in 2007. Congress has committed over \$1.33 billion to date to assist the Government of Mexico to fight drug trafficking organizations, arrest and prosecute criminals, and stem the tide of corruption. Our commitment to this fight is framed by the Government of Mexico's resolve: Since President Calderon took office in December 2006, Mexico has spent between \$3 and \$6 billion each year on security, including the justice sector. The Government of Mexico has arrested scores of criminals, including

some of the top members of the most notorious criminal organizations, such as Carlos Beltran Leyva and Eduardo Teodoro Garcia Simental, aka El Teo. Mexican forces have confiscated more weapons, drugs and cash than ever before but more -- much more -- remains to be done. Reforming the Mexican justice system and creating effective and sustainable institutions is a challenging, long-term endeavor.

In order to build the institutions effectively to tackle corruption, the Government of Mexico began systematically removing from duty thousands of suspect law enforcement officials, customs officials, and prosecutors, including those in key positions. In re-building these institutions, the Government of Mexico is developing extensive internal controls which should mitigate systemic corruption. They are developing career tracks, with increased salaries, enhancing management skills and integrating offices of professional responsibility and/or internal affairs, into every security and justice institution. To prevent corrupt police from being hired in multiple states or municipalities, the government has developed a National Police Registry with INL support, which will include sophisticated biometric technology, to maintain records of all law enforcement officers. In the Attorney General's office, or PGR, INL has helped the Government of Mexico develop a modern, computerized case management system with sophisticated checks and balances to make it much more difficult for prosecutors to lose case files, or improperly influence a case. The system is to be

online and operational across most parts of the country in 2011, with country-wide operability in 2012.

In 2000, the Mexican government established the Public Security Secretariat (SSP) and the Federal Police were placed under its authority. The Calderon administration set enhanced standards for recruitment and professional integrity. This new approach is yielding results. For the first time, the government attracted a new caliber of police professionals. The new recruits are college graduates, some with advanced degrees, who went through background checks, drug testing and who passed polygraph tests. They were given months of training on a wide range of topics and skills, and once deployed to the field, were provided with mentors to continue their education. The SSP now has sophisticated equipment – both forensics labs and command centers that are outfitted with modern technology. The United States Government is contributing to continuing education for police, as well as specialized training to improve their operational efficacy. The SSP is also developing an extensive internal controls system. One group of new recruits, during their first month on the job after training, rooted out their corrupt supervisors by reporting suspicious behavior to a trusted mentor, a positive sign. The SSP has hired and trained over 4,000 new investigators in the past year, and has plans to augment the force by another 6,000 in the coming year. Multiple

agencies within the USG are contributing to the SSP's continued growth and development.

Mexican Customs is also in the process of reforming its structure, adding an enforcement arm, somewhat like our own Immigration and Customs Enforcement (ICE). To support this effort, in August 2010 ICE will provide a ten-week investigative training course to a team of Mexican Customs officials, modeled after ICE Special Agent training. Like the SSP, Mexican Customs is restructuring its career paths, instituting more effective internal controls, getting rid of corrupt contract workers and recruiting and training a higher caliber of officer. They are also building a new academy to train and maintain high quality Customs officials.

Mexico has a federal system of government with 31 states, a federal district, and thousands of municipalities. There are over 400,000 police officials in Mexico – of whom only about 40,000 are Federal police (SSP). Bills proposing the consolidation of 2,000 or more municipal police departments and forming larger police forces to work more closely with the Federal police are currently pending in the Mexican Congress. Key decisions on these complex structural issues are pending, but significant police reform is underway.

The strategy that the U.S. Government is pursuing with the Government of Mexico is an effective long-term program, not a temporary “quick fix”. Since the

advent of the Merida Initiative in 2007, the U.S.-Mexican relationship has developed, matured and evolved. The Merida Initiative has moved beyond its early focus on deliveries of equipment toward a greater emphasis on institution and capacity building. Building institutional respect for human rights is a key part of Merida and our broader relationship with Mexico. We have established a bilateral dialogue on human rights and training, and advice on human rights topics is included in almost every Merida program. As partners we have developed a framework for our cooperation that has four key objectives.

Our first is deterring drug trafficking organizations. The Government of Mexico is now targeting the business operational chain of drug trafficking and other criminal organizations. The joint U.S./Government of Mexico High Value Target List is an important element, but is not the only focus. U.S. assistance is providing critical air capabilities to enable the rapid deployment of police and military forces to sites and locations where they are needed for tactical operations against drug trafficking organizations. The United States is supporting Mexico's specialized police units with training, equipment, and technical advice. We are working with our Mexican counterparts to support complex money laundering investigations, developing asset forfeiture procedures, and working to combat weapons trafficking. We are building mechanisms to share information vital to the investigation, arrest, and prosecution of Mexican criminals. Finally, the record

number of extraditions from Mexico to the United States during the last three years has demonstrated Mexico's efforts to allow us to bring serious violent offenders against U.S. law to justice here at home.

Our second objective is to build strong, effective institutions to sustain the rule of law and protect human rights. The United States strongly supports Mexico's reform of its criminal justice sector – from the police, to prosecutors, customs, corrections and the judiciary. For example, U.S. Federal, State, and local law enforcement officers and prosecutors were instrumental in training over 4,300 new Federal Police investigators in investigative techniques, including securing a crime scene, interviewing suspects and witnesses, surveillance, evidence collection, and testifying in oral trials. USAID is providing comprehensive technical assistance to ten states, as well as federal justice institutions, to support implementation of the criminal justice reforms. In that regard, with Merida Initiative funds, USAID is building on their successful bilateral rule of law program that commenced in 2004. USAID is also providing human rights training for police, prosecutors, and other officials, as well as support for NGO participation in justice sector reforms, so that NGOs are better able to perform oversight and educate citizens on their roles and responsibilities within the new system.

Through the Merida Initiative, we are providing expertise and funding for prosecutorial training in all 31 Mexican states and the federal district this year, focusing on the new oral-adversarial justice systems. Colombian prosecutors have played a key role in training their Mexican counterparts. We are currently working with Mexican Customs to provide assistance for their new academy, and we have provided training for law enforcement canine programs and their handlers. In one of our more innovative programs, we are working with the states of Colorado and New Mexico to provide training and technical assistance for corrections officers, not only from Mexico, but also from Central America. We are working with the Government of Mexico now to determine how most effectively to support reform of their state and local rule-of-law institutions. We know that State and local entities are key to the long-term effectiveness and sustainability of our cooperative justice sector reform efforts in Mexico.

The Department of State is also helping Mexico develop its border security capabilities and its inspection efforts, even as we improve our own. We are also expanding collaboration between U.S. and Mexican border agencies. The U.S. and Mexican governments are launching an initiative that challenges the traditional view of border security and provides a new vision of 21st century border management that enhances both economic competitiveness and security. In the short term, U.S. assistance will provide non-intrusive inspection equipment and

canine programs to detect drugs and other contraband moving north, and guns and cash moving south. We are working to build new capabilities within Mexico's border forces, improve information sharing, and better coordinate our operations on the U.S. side of the border with our Mexican colleagues in the South.

Finally, we are working to build strong, resilient communities in Mexico. We know that communities are key to deterring the influence of criminal organizations, through anonymous tips, socio-economic alternatives, and educational opportunities. State Department assistance in this area will help build a culture of lawfulness through continued engagement and education with schools, the media, law enforcement officials and civil society. Our assistance will also be expanded to devote resources to the prevention and treatment of substance abuse and its consequences. The State Department is also working closely with the Government of Mexico to enhance tip lines and emergency call centers so that the police will be more accountable and responsive to the communities they serve and foster greater public confidence.

Professional integrity projects are a key component of every Merida Initiative institution-building project. These projects are a critical piece of the strategy, and the foundation for strong, effective, transparent institutions which will detect corruption and deter it over the long term. The programs vary with each institution, but generally consist of vetting at the recruitment phase, with

background checks, financial disclosures, drug testing, and polygraphs. The programs also build systems within each organization to continue to vet personnel throughout their careers, provide a secure system and transparent procedures for reporting corruption, and develop operations to deter personnel from engaging in corrupt activities. These programs are not quick fixes: they take sustained effort, commitment, refinement, resources and persistence. But they are a very solid start towards further developing a Mexican criminal justice sector committed to the rule of law and professional integrity.

It is also important to discuss the actions that this Administration is taking along the southwest border and within the United States to fight drug trafficking and cartels operating in Mexico. These actions reflect the operational importance of addressing cartel activities in the U.S. and this Administration's conviction that the U.S. and Mexico are in the fight together. This fight requires action on both sides of the border. For example, the U.S. Government has launched several operational initiatives to disrupt the bulk cash smuggling that cartels use to bring the proceeds of drug sales in the United States back to Mexico. ICE led a U.S.-Mexico working group to produce the 2010 Bi-National Criminal Proceeds Study that provides a strategic overview of the bulk cash supply chain. The study represents the first project of this magnitude undertaken by both governments, and the findings and recommendations of the study will form the basis of a money

laundering conference co-hosted by ICE in Mexico City next month. U.S. and Mexican government participants will design a bi-national plan to target bulk cash smuggling that feeds the violent cartels. Additionally, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has deployed “Spanish” eTrace, a web-based system which allows Mexican investigators to trace cartel-related weapons that may originate in the United States. U.S. domestic law enforcement authorities have also directly targeted Mexican cartel operations in the United States, arresting hundreds of suspected Mexican cartel members who were in the U.S. in 2009 alone.

Finally, the Administration is putting a renewed emphasis on reducing demand for drugs here in the United States, which is the largest driver of the cartel activity that threatens Mexico. These efforts, led by the White House Office of National Drug Control Policy, will, over the long term, reduce the market that brought those cartels into business in the first place.

Mr. Chairman and Ranking Member Coburn, I am often asked if the State Department’s experiences working with Colombia provide any lessons for our current programs in Mexico. The answer is yes, and I am pleased to report that many of them are already being shared and incorporated into our development efforts. For example, strong political will and leadership in Colombia were

fundamental to achieving the results we have witnessed in that country. President Calderon has demonstrated a similar commitment to addressing Mexico's problems, and I believe the desire to strengthen the rule of law throughout Mexico is shared across its political spectrum.

Establishing security across the entire country is another tenet we are using in Colombia and has been a fundamental principle of the Merida Initiative in Mexico since its inception. In both Colombia and Mexico we utilize many facets of U.S. foreign assistance and expertise. Operating under a coordinated foreign policy framework provided by the Secretary of State, the State Department is committed to working with our inter-agency partners to complete the job in Colombia and achieve lasting success in Mexico.