

TESTIMONY OF  
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U.S. DEPARTMENT OF STATE  
BEFORE  
THE COMMITTEE ON HOMELAND SECURITY  
UNITED STATES HOUSE OF REPRESENTATIVES  
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“TAKING DOWN THE CARTELS:  
EXAMINING UNITED STATES – MEXICO COOPERATION”

Mr. Chairman, Ranking Member Thompson, and Members of the Committee:

Since we first met when you visited Mexico, Mr. Chairman, I have been grateful for your and this committee’s constant interest in and focus on the very important issue of U.S. – Mexico security cooperation. Your personal knowledge of the border and your own previous experience as a prosecutor have made our conversations rich and productive and have contributed to my better understanding of domestic dynamics that affect that cooperation. As you are aware, Mr. Chairman, it has been my privilege to serve at our embassy in Mexico on two occasions, first in the days and months after 9/11 when we were forced to re-examine how neighbors must confront the horrors of terrorism in democratic societies; and most recently from 2009 – 12, when we and our Mexican partners truly transformed our security and commercial relationships in service of the American and Mexican peoples. In my current position as the Western Hemisphere Bureau’s Hemispheric Citizen Security Coordinator, I have remained focused on the lynchpin that is our work with Mexico in protecting the American people from the threat of transnational organized crime.

I must also thank the U.S. Congress, and again, this committee in particular, for its consistent, bipartisan, strong support of the U.S. – Mexico relationship in general, and the Merida Initiative in particular. Merida is a success story, and the Congress’ commitment to Merida has been a cornerstone of that success.

Begun under the Bush – Calderon administrations, and reaffirmed and strengthened now in the Obama – Pena Nieto administrations, the United States and Mexico coordinate and cooperate to ensure our mutual security in ways unimaginable when I first reported for duty in Mexico City over a decade ago. This commitment to shared security goals that incorporates respect for human rights transcends political parties and extends across both governments’ interagency communities.

President Obama’s visit to Mexico in February for the North American Leaders’ Summit and bilateral meetings with President Pena Nieto – his fifth trip to Mexico as President – highlights the importance of our relationship with Mexico. While our bilateral agenda covers a

wide array of issues – trade and commercial relationships, our shared environment, educational exchanges and efforts to make us a more competitive partnership in a globalized world – security cooperation has always been a central element of the agenda on each of those trips, and I am pleased to report to you that it is working.

The recent arrest – without a shot fired – of the world’s most famous drug trafficker, co-leader of the Sinaloa Cartel, Joaquin “El Chapo” Guzman Loera, represents a milestone in that cooperation. Not an end state or final victory, but a clear indicator that through cooperation that respects Mexico’s sovereignty and is conducted in a spirit of trust and shared enterprise, no individual or criminal network is immune from the reach of the law.

We congratulate the Mexican people and their government on the capture of “El Chapo” Guzman. This was a Mexican operation, conducted by Mexican Marines, and supported by multiple U.S. law enforcement agencies, among them the Marshals, DEA, HSI, and the FBI. This is how it is supposed to work.

If I have learned anything working with the Colombians in the 1990s, the Central Americans and the Mexicans in the last decade, it is that cartels, mafias, organized criminals are parasitical organizations. They need society so that they can obscure their illegal activity and sell their illicit goods. They crave weak government institutions they can suborn and intimidate. Most of all they seek to establish conditions of impunity that allow them to stay in business, as they cross borders freely to exploit the weakest links wherever they can find them. In this, the Mexican cartels are no different than the Colombian Criminal Bands, or the U.S. based La Cosa Nostra families, or the Japanese Yakuza. They are made up of delinquent individuals who become empowered through the accumulation of illicit wealth, the corruption of law enforcement and judicial institutions, and the fear they sow among law abiding citizens.

But I am convinced we are stronger. And by we, I mean the Mexican and American teachers, community activists, substance use disorder counselors, beat cops, law enforcement agents, prosecutors, and all the others who collaborate in our binational effort to take away the cartels’ markets, strip them of their ill-gotten gains, investigate, arrest, and prosecute them – and when convicted, put them behind bars.

No one from the Administration is claiming victory or spiking the ball here. But we have a powerful tested formula to combat the cartels. We must constantly improve upon that formula through constant study, vigilance, and information sharing. But it will always contain as its central core empowered societies, well-trained and incorruptible public servants, and international respect and commitment to cooperate.

While the Merida Initiative does not fund law enforcement operations, it does build capacity. It does teach agencies how to work in a task force environment. It does help Mexico produce skilled analysts, investigators, prosecutors, cops and all the other public servants necessary to implement and strengthen the rule of law in Mexico. And this makes us safer here at home, Mr. Chairman.

## Pena Nieto Security Strategy

In August 2013, President Pena Nieto presented the framework of his 10-point security strategy which includes:

- Crime prevention and social reconstruction;
- Effective criminal justice;
- Police professionalization;
- Transformation of the prison system;
- Promotion and coordination of citizen participation;
- International cooperation on security;
- Transparent statistics on crime rates;
- Coordination among government authorities;
- Regionalization to focus efforts; and
- Strengthening of intelligence to better combat crime.

President Pena Nieto's strategy emphasizes coordination and consultation with state and regional governments as key to its security strategy. And we couldn't agree more. As part of the effort to enhance the transition to a more effective adversarial oral justice system, President Pena Nieto promoted the federal legislation to create a uniform criminal procedures code, passed in February 2014. His strategy also focuses on police professionalization by seeking to create a career professional service, consolidating police certification and vetting, elaborating protocols for police action, and creating a national training plan for police.

President Pena Nieto has stated there are no easy solutions or "short cuts" to reduce violence in the short term, instead emphasizing long-term goals such as the rule of law and trust in judicial institutions. In February 2013, President Pena Nieto launched a national multi-tiered crime prevention plan – known as Mexico's National Crime and Violence Prevention Program, led by Roberto Campa – which will include programs to combat poverty, recover public spaces, and increase youth employment. President Pena Nieto has made crime prevention and judicial reform central aspects of his political agenda and has emphasized a focus on reducing kidnapping, homicide, and extortion.

## Merida Initiative

Our security cooperation has been expanding and evolving since the Merida Initiative was launched in 2008. The Merida Initiative, above all, a rule of law strategy, in which confronting the cartels is a necessary but not wholly sufficient element of our joint endeavor. It is based on the recognition that our countries share responsibility for combating transnational criminal networks and protecting our citizens from the crime, corruption, and violence they generate. We have based this initiative on mutual respect, and it reflects our understanding of the tremendous benefits derived from this collaboration. We have forged strong partnerships to improve civilian security in affected areas to fight drug trafficking, organized crime, corruption, illicit arms trafficking, money laundering, and demand for drugs on both sides of the border.

The four Merida pillars that the United States and Mexico agreed to in 2010, and that presidents Obama and Pena Nieto confirmed during President Obama's May 2013 trip to Mexico City, remain our flexible organizing construct:

- 1) Disrupting the operational capacity of organized criminal groups;
- 2) Institutionalizing reforms to sustain rule of law and respect for human rights;
- 3) Creating a 21<sup>st</sup> century border; and
- 4) Building strong and resilient communities.

Under these pillars, we are accelerating our efforts to support more capable institutions – especially police, justice systems, and civil society organizations; expanding our border focus beyond interdiction of contraband to include facilitation of legitimate trade and travel; and cooperating in building strong communities resistant to the influence of organized crime, with a focus on the youth population.

Our success under the Merida Initiative is due in large part to the commitment and brave efforts of the Mexican government and the Mexican people to combat transnational criminal organizations. Our Mexican partners have spent at least ten dollars to every one dollar that we have contributed to our Merida goals in Mexico. That is as it should be; however, the U.S. contribution – none of it in cash and none of it lethal – is vitally important.

Our assistance has provided crucial support to the Mexican government in its efforts to build the capacity of its rule of law institutions and advance justice sector reforms, while enhancing the bilateral relationship and the extent of cooperation between the U.S. and Mexican governments through provisions of equipment, technical assistance, and training. A variety of U.S. federal agencies – including the Department of State, USAID, the Department of Homeland Security, the Department of Justice, and the Department of Defense – are working with the Mexican government to implement Merida projects.

By 2011, we began to move away from big-ticket equipment – except for border security – and toward intensive technical assistance and training activities that further Mexican capacity to uphold the rule of law, respect human rights, strengthen institutions, enhance civil society participation, and secure borders. We continue to expand this support to the state and municipal levels in several program areas.

### Merida Programming

Under Merida, we have provided approximately \$1.2 billion in equipment, training, and capacity building. At the federal level, Merida has trained nearly 19,000 federal law enforcement officers, which includes more than 4,400 Federal Police investigators deployed throughout Mexico. At the state level, the State Department's Bureau of International Narcotics and Law Enforcement (INL) has supported Accredited State Police Units (PEAs). We have strengthened police academies in the states of Chihuahua, Sonora, Nuevo Leon, and Puebla by providing equipment and training materials, enabling them to serve as the backbone for training programs and to conduct regional training. During 2013, INL provided training to approximately 2,000 state and local law enforcement officers from throughout the country in

such topics as officer safety and survival, criminal investigations, crime scene preservations, law enforcement intelligence, anti-gang tactics, anti-drug trafficking, and gender-based violence. INL continues to expand its state-level law enforcement training program, focused on areas such as anti-kidnapping, complementing President Pena Nieto's recently-announced national ten-point anti-kidnapping strategy.

We also continue to build on the success of several ongoing programs. For example, Mexico's federal corrections system is now a recognized international leader in corrections reform, with eight federal facilities and six state facilities certified by the independent American Correctional Association (ACA). Mexico has used its success in reforming the corrections systems at the federal level as a launching point for state-level reform – beginning in Chihuahua – primarily by providing basic and advanced correctional training in an effort to achieve ACA accreditation. We will continue to support Mexico in assessing its state facilities and to undertake similar reforms at the state level.

The United States will continue to offer capacity-building support to Mexican security agencies involved in border security, further enhancing their ability to interdict illicit narcotics, arms, and money. We are prepared to support Mexico in their efforts to strengthen the southern border, an area the Pena Nieto administration has prioritized, through equipment donation and border management training. We are working with Mexico's Central American partners to implement programs designed to build regional capacity to share information and take action to dismantle transnational gangs, interdict the flow of methamphetamine precursors, investigate international child exploiters, and disrupt cross-border illicit financial flows.

On rule of law, we will focus on supporting Mexico in its transition to an accusatorial justice system by providing robust training to the Attorney General's Office and Mexican law schools, equipping courtrooms with necessary technology for oral trials under the new justice system, and helping to implement the recently approved federal code. Mexico's ambitious effort to reform its justice system by 2016 requires sustained focus and resources.

The Mexican government strongly advocated for not only the continuation, but the expansion of Merida's drug court and drug demand reduction programs. Merida funds have supported the development of Mexican clinical trial networks and funded a comprehensive national survey of inpatient substance use disorder treatment facilities in Mexico and developed a curriculum which has been used to train 600 counselors from six states. The Mexican government is eager to stand up, with the help of the Merida Initiative, additional drug courts, which use treatment and community support as an alternative to incarceration, throughout the country. Empirical research in the United States and elsewhere has shown that these courts reduce recidivism and save money.

The U.S. Agency for International Development (USAID) has supported the Mexican government in developing and implementing crime and violence prevention strategies in nine communities in target areas in the states of Chihuahua, Nuevo Leon, and Baja California, each significantly affected by drug-related crime and violence. We can take pride in that – while recognizing the far-broader efforts Mexico is itself taking. President Pena Nieto is making this sort of engagement a cornerstone of Mexico's national crime prevention strategy.

USAID has also been working closely with the Secretariat of Interior (SEGOB) on crime prevention and human rights programs. USAID has engaged with Under Secretary for Crime Prevention Campa's team on potential new crime prevention activities that we could support through Merida, which includes new activities focused on at-risk youth, public opinion polling, and technical assistance on broad crime prevention policy. SEGOB and USAID are discussing a geographical expansion of crime and violence prevention activities, while remaining focused on the testing and replication of such models by the Mexican government and other non-governmental partners. USAID has also provided direct technical assistance to SEGOB on a human rights assessment that is expected to form the foundation of Mexico's national human rights strategy.

USAID and INL have been working closely with the new Technical Secretary for Criminal Justice Reform Implementation and her team through existing projects focused on institution strengthening, legislative reform, capacity building, civic engagement, and support to law schools and bar associations.

The U.S. government promotes respect for human rights through our Merida Initiative and other programming in Mexico. INL trains Mexican state and municipal police officers and state prosecutors on gender-based violence. INL also works to strengthen Internal Affairs units throughout the Mexican government with special emphasis on the police. INL has supported a Department of Justice project to provide training and technical assistance to law enforcement, prosecutors, and judges to combat violence against women and children. The Department of Defense includes modules on human rights in all mobile training events conducted through USNORTHCOM. This training addresses issues such as torture and the appropriate use of lethal force. The Department of Defense also brings Mexican officers to the United States for specialized training on human rights and uses staff Judge Advocates to teach classes in Mexico on human rights and the Law of Armed Conflict. In 2012, USAID launched a Master's certificate program in human rights and security, which was completed by 254 members of the Mexican Federal Police. USAID also began an online certificate course on human rights and public security, through which 401 police investigators, from the federal level and the states of Nuevo Leon and Puebla, gained key knowledge and skills on international and national human rights standards, victims' assistance, principles of equality and non-discrimination, prevention of torture, and trafficking in persons.

### Way Ahead

President Pena Nieto and his team have consistently made clear to us their interest in continuing our close collaboration on security issues and have stated that it intends to give particular emphasis to crime prevention and rule of law. The United States fully supports this further refinement of our joint strategic partnership, and we continue our ongoing transition from major equipment purchases toward training and capacity building and an expansion from assistance solely for federal institutions to an increasing emphasis on state and local government. At the same time, the sharing of intelligence and law enforcement cooperation continue apace. The take-down of significant cartel leaders in recent months, most notably the capture of the notorious "Chapo" Guzman in February, underscores the Mexican government's commitment to

confront transnational criminal organizations as it works to reduce criminal violence and enhance citizen security.

In August 2013, the United States and Mexican governments confirmed our shared priorities for Merida programming. They are: justice sector reform, efforts against money laundering, police and corrections professionalization at the federal and state level, border security both north and south, and piloting approaches to address root causes of violence.

Since then, the United States and Mexico vetted and approved more than \$309 million in 63 new project proposals under the Merida Initiative. These projects include police training, support for vetting and internal affairs for the police and federal agencies, IT equipment to support oral hearings under the new criminal justice system, forensics, corrections, training for prosecutors and investigators, expanding drug treatment courts, and continued support to Mexico's National Institute of Migration.

Over the past year, Mexico enacted and has begun to implement important anti-money laundering laws which, if enforced aggressively, will give the Mexican government significant new tools to disrupt the operational capacity of organized criminal groups. This offers an opportunity for the United States and Mexico to enhance our partnership by sharing newly available information, and by using this information in a coordinated fashion to further degrade the capabilities of the illicit finance networks of criminal organizations.

The United States and Mexico, working together, have transformed bilateral engagement over the last ten years, and the Merida partnership has been an important component of this broader evolution in the relationship. Mexican authorities agree that our cooperation must continue and that the Merida Initiative provides a comprehensive, flexible framework through which our partnership can move forward to the benefit of both Americans and Mexicans.