

HUMAN RIGHTS IN MEXICO

HEARING
BEFORE THE
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HUMAN RIGHTS IN MEXICO

THURSDAY, MAY 10, 2012

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, D.C.

The commission met, pursuant to call, at 12:00 p.m., in Room 2226 Rayburn House Office Building, Hon. James P. McGovern [co-chairman of the commission] presiding.

Mr. McGOVERN: Good morning, everybody.

I realize it is three minutes before the meeting but I want to start anyway because we are in the midst of a debate on reconciliation on the House floor, and I want to get everybody in before votes begin, otherwise it will be not a good experience for everybody. So thank you very much for being here.

I want to thank everyone for being here today for this important hearing on Human Rights in Mexico. In particular, I want to thank the staff of the Tom Lantos Human Rights Commission for organizing this hearing, and our witnesses for their leadership in working to improve human rights conditions in Mexico. A special thank you to Kate Hixon who is our intern, this is her last day. And she has done an incredible job working with the staff here in the Commission, and we are going to miss her. We wish her well.

Let me begin by saying that the United States relationship, partnership and friendship with Mexico is a very important one. We are neighbors. We have strong family and community ties with Mexico and its people. And as neighbors and family, we must work together to ensure each other's prosperity and security. It is not an exaggeration to say that many of the most difficult and violent problems confronting Mexico today have roots in the United States and how we deal, or fail to deal with our own domestic and political priorities.

Just six short years ago, after taking office in December of 2006, Mexican President Felipe Calderon deployed Mexican military forces in an effort to combat extensive drug trafficking and related organized crime in Mexico. But the hopes that this would make Mexico more secure was not realized. And to its credit, the Calderon administration has now concluded that this military-led strategy not only did not contain the expansion of organized crime in Mexico, but contributed to a sharp escalation of violence and human rights violations.

Over the past five years more than 50,000 people are estimated to have been killed in drug-related violence in Mexico, resulting in deep pain and traumatized communities in many regions of Mexico. Organized crime networks are responsible for a large portion of these killings, and the counterdrug strategy has seemed to spur even more violent behavior by these criminal groups.

In addition, Mexican security forces have committed widespread and major human rights violations. These abuses include the systematic use of torture and involvement in extrajudicial killings and forced disappearances. Some of these abuses are fueled by corruption and links between law enforcement personnel and criminal groups.

At the same time, it is important to underscore that the drug war is not the only source of human rights violations in Mexico. Mexico has long struggled with abuses by security forces and a weak system of justice. Mexican police have too often employed arbitrary and incommunicado detention, torture, and forced confessions as tools of their trade. Many migrants, journalists and human rights defenders have been killed and subjected to other forms of abusive treatment by both criminal groups and the government security personnel. Just last Thursday, authorities found the dismembered bodies of three photojournalists in a canal in the city of Boca del Rio.

These problems are compounded by widespread impunity in Mexico for criminal behavior. The vast majority of crimes in Mexico are not reported due to citizens' lack of trust in law enforcement authorities. Of those crimes that are reported, only two percent result in a sentence, and impunity is even more persuasive for abuses committed by military and police officials.

Both the United States and Mexican governments have taken steps to try to address these serious problems. Over the past several years, the U.S. Congress and the Obama administration have shifted much of the focus of U.S. assistance to Mexico under the Merida Initiative from security assistance to support for strengthening the rule of law and judicial institutions in Mexico. The Government of Mexico has also taken some significant positive steps, including mandating ethics training for all Federal Police, changing regulations on the use of force by the police and passing laws that strengthen the authority of Mexico's human rights commission, provide for compensation of victims of human rights abuses and require protection of at-risk journalists and human rights defenders.

These are encouraging steps, but much more needs to be done to ensure that these reforms are fully implemented, to establish a more effective and transparent Mexican judicial system, and to address the pervasive problems of corruption and impunity. Accountability for abuses is particularly important so that the Mexican people believe that the era of impunity is starting to come to an end. For its part, the United States should continue to provide Mexico with assistance to strengthen the rule of law in Mexico and advance respect for human rights.

And I am grateful again to all the witnesses, and we are going to begin with Kathleen Fitzpatrick who is the Deputy Assistant Secretary in the Bureau of Democracy for Human Rights, Labor and State Department.

Ms. Fitzpatrick, I am grateful to you and your colleagues at the State Department for your leadership in working with Mexican counterparts to address human rights problems and to strengthen the rule of law in Mexico, and we appreciate your coming here to testify. And your full statement will be included in the record, so if you want to summarize it you can.

And Ms. Fitzpatrick, the floor is yours. Thank you.

STATEMENT OF KATHLEEN FITZPATRICK, DEPUTY ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR

Ms. FITZPATRICK: Thank you, Mr. Chairman. First I would like to thank you and thank the Commission for holding this hearing, and for the opportunity to appear before you today to discuss the situation for human rights in Mexico, but also in particular the Department of State's actions to promote human rights and strengthen institutions in Mexico. Promoting democracy and protecting human rights around the world are central to U.S. foreign policy. As Secretary Clinton has said, at the State Department human rights is a priority 365 days a year.

I would also like to take this opportunity to thank the three speakers who will appear in the next panel. I would like to thank them for their commitment and dedication to advancing human rights in Mexico. We welcome their input both through this panel and in our ongoing dialogue with them and other members of civil society, which we believe is extremely important.

Mr. Chairman, I would like to build on your eloquent comments. I think you laid out the issues very, very well and very clearly. As you said, we have a strong, positive bilateral relationship with Mexico. It encompasses a broad range of issues. Our history, our geography, our common culture, our common security needs, our economic collaboration and our environmental security. And a very important component of this multifaceted bilateral agenda is a shared concern that we share with the Mexicans regarding the protection and promotion of human rights. Of course, human rights are essential to economic prosperity, to freedom and to strengthening democracy. These issues are strongly interconnected as we see throughout the world.

As we reflect in our annual report to Congress in our country reports on human rights practices, Mexico faces serious and complex human rights challenges. The ability of the current justice system to impart prompt, impartial and effective justice remains limited, and impunity for all crimes, Mr. Chairman, as you have noted, is high. There are threats and violence against the Mexican people including journalists and social media users and other vulnerable populations, including women, including LGBT people and others. The attacks on journalists has really led to a great deal of self-censorship, we believe, which is an important issue related to freedom of expression.

Also, Mr. Chairman, as the role of security forces, particularly the military, has expanded in combating crime, there has been an increase in credible allegations of government officials perpetrating arbitrary detention, disappearances, unlawful killing, mistreatment and torture. And obviously over the last few years, Mr. Chairman, we have seen increases in the criminal violence that is fueled by powerful, transnational criminal organizations who are engaged in violent struggles amongst themselves and with Mexican security forces.

These criminal organizations use brutal tactics against the Mexican people. They have shown disregard for civilians. They have perpetrated kidnappings of migrants and engaged in human trafficking. Vulnerable populations such as human rights defenders,

journalists and women are frequent targets of violence. Mexico, indeed, is one of the most dangerous countries to work in as a journalist, with more than 75 journalists killed since 2000, and many more, as I noted earlier, practicing self-censorship as a result of that violence.

Mr. Chairman, given our concerns and our shared interests with Mexico and its people in advancing human rights and citizen security, the United States regularly consults with the Mexican government, discusses with Mexico human rights issues and concerns, and we do this with all levels of the Mexican Government. Our aim is to support Mexico's efforts to address these significant challenges. Our ambassador in Mexico City meets regularly with human rights defenders and advocates, and he and his team work closely with the Mexican Government and the civil society on these issues.

In March, I traveled to Mexico to discuss our concerns regarding the current human rights situation, and to learn of recent developments from government leaders, members of the legislature and civil society, and we look forward to developing ways to further support these efforts to protect human rights.

As you noted, Mr. Chairman, to address these challenges the Mexican Government has taken significant steps, including constitutional reforms, new human rights related legislation, and measures to strengthen government institutions including by working to professionalize federal and state police forces. U.S. efforts through the Merida Initiative actively supports these efforts as it works to address these challenges, and obviously the challenges remain.

We also see that establishing a legal framework to support human rights is critical to this effort. Mexico enacted formal laws in the past few months to fortify its protection mechanisms for journalists and human rights defenders. The legislature passed a nationwide Trafficking in Persons law, and a constitutional amendment that classifies attacks against journalists as federal crimes. Constitutional reforms have also enhanced the authority of Mexico's independent Human Rights Commission and accorded constitutional status to the human rights obligations to which Mexico is committed under international treaties. These steps will strengthen the legal foundations to protect human rights, and we want to support further reforms including implementation. There is much work ahead in implementing these laws as Mexico also reforms its justice system.

Respect for human rights requires both protection for citizens and prosecution for those who violate the rights of others. Impunity remains one of the most significant challenges for the Mexican judicial system. And as I noted earlier and as you noted, Mr. Chairman, the ability of the justice system in Mexico to impart this effective justice still remains limited.

To address these concerns, Mexico has embarked on a major undertaking to implement comprehensive justice system reforms. The 2008 constitutional reforms mandate a transition by the year 2016 of the Mexican judicial system, from a written system to an oral adversarial system that we hope will increase the capacity of the justice system to be open, transparent and provide for more effective administration of justice.

In addition, twelve Mexican states have passed codes in criminal procedure that implement constitutional reforms. The justice system is still undergoing this transition, obviously a major, major undertaking, and the U.S. works closely with the Mexican Government and judicial authorities to support this process. Obviously it is still a work in progress.

I would also like to note, Mr. Chairman, in July 2011, the Mexican Supreme Court issued an important decision that all human rights crimes must be tried in civilian courts not in military courts, whoever perpetrates them, to increase access to justice for all civilians. Although the military has transferred jurisdiction in a few cases, the process has not yet been institutionalized and military forces continue to assert jurisdiction in some cases involving civilians. This is another important area of concern where we are prepared to support Mexican reforms.

Mr. Chairman, Secretary Clinton best described our efforts to support rule of law and human rights in Mexico. She said we are focused not just in helping security forces track down criminals, we're working to address the root causes of violence from impunity to lack of opportunity, to build accountable institutions that respect human rights and enhance rule of law. We work with courts and prisons, police and prosecutors, schools and job training centers, and build partnerships with political leaders and with civil society.

Our assistance in justice and security sector reform complements Mexican efforts to combat impunity, to enhance citizen security and respect for human rights. We work in close partnership under the Merida Initiatives, bilateral building the capacity of federal, state and local institutions in Mexico to improve law enforcement and the rule of law.

The Department of State assists Mexican law enforcement by supporting training to thousands of government officials on a wide range of relevant skills including professional standards that discourage corruption and other unlawful practices as well as to encourage respect for human rights. To further Mexico's federal justice sector reforms we support training for prosecutors, defenders, investigators and forensic experts. We have also facilitated judicial exchanges and partnerships between Mexican and U.S. law schools. This training, technical assistance and equipment we hope will help Mexico improve its law enforcement institutions.

Mr. Chairman, I just also want to point out that all security assistance to Mexico is subject to Leahy amendment vetting so that recipients of assistance or training are carefully vetted against human rights criteria. One aspect that I also do want to highlight, Mr. Chairman, is our work with civil society, which is an extremely important part of Secretary Clinton's broader human rights effort. And we have found that when material resources, training and community programs complement each other the outcome is more sustainable. For example, through one Merida program, USAID provided more than 40 small grants to NGOs for programs and job training for at-risk youth and other programs that reduce violence against women, improve health and strengthen community cohesion.

Human rights education can also play an important role and we are also engaged in supporting classroom efforts that support a culture of lawfulness and teach ethics and civic responsibility. We are supporting Mexican efforts to reach more than 600,000 students and 14,000 teachers in 24 Mexican states. The wide adoption of this Merida supported curriculum is yet another example of the impact of the Department's community strengthening initiatives.

Mr. Chairman, violence against women is also a very important concern of ours, and to prevent gender based violence or to support efforts to prevent it, we have funded efforts to educate women on their legal rights and provide legal and psychological services to those who suffer gender based violence.

Mr. Chairman, I would like to turn again to the situation of journalists. We are very concerned about the increase in violence against journalists, human rights defenders and other vulnerable groups. Attacks against journalists have a significant impact on the ability of journalists to write their stories and to express themselves freely. The United States has several programs to support Mexican efforts to protect journalists. We are working to protect Mexican journalists, bloggers and other media professionals by helping support and provide self-protection training, promote ethical and professional coverage and build a code of conduct between the media and security forces. And in September we launched a four-year, five million dollar program to expand protection for journalists and human rights defenders.

We also support the United Nations Office of the High Commissioner of Human Rights in their efforts to protect human rights defenders, and we are working with the Mexican Secretariat of Government and the National Human Rights Commission and with NGOs on these efforts. We are also concerned about efforts to support and protect other vulnerable groups such as women, the LGBT community and persons with disabilities.

Mr. Chairman, in closing, we are committed to supporting Mexico and its citizens in the implementation of reforms to protect human rights. This is an essential element of our partnership with Mexico as it faces these serious challenges in protecting the security of its citizens, advancing rule of law and accountability and promoting human rights for all of Mexico's citizens. We believe promoting human rights is in the best interest of both nations, and I am sure the Mexicans share that view.

Again, we value and appreciate the Commission and your personal interest in this important issue, and we look forward to working cooperatively with the Commission to advance human rights in Mexico.

Mr. Chairman, thank you again for this opportunity to address this important and timely issue, and I look forward to answering any questions you might have.
Mr. McGOVERN: Well, thank you, Ms. Fitzpatrick, and I appreciate your testimony, and I just have a few questions here.

Under U.S. law, 15 percent of U.S. assistance to the Mexican military and police forces is conditioned on a U.S. determination that the Mexican Government is acting to meet a set of human rights standards including investigating and prosecuting military officers accused of abuses in the civilian justice system, and banning the use of testimony obtained through torture.

In your view as of now, has the Mexican Government met these human rights conditions?

Ms. FITZPATRICK: Thank you, Mr. Chairman. As you know, in 2010 we submitted our report indicating Mexico meeting the reporting requirements of the law at that time. But at the same time, as a policy matter we withheld certain funds awaiting Mexican progress on several issues including strengthening the impact of the Commission on Human Rights, and making Mexico's obligations under human rights treaties constitutional and also progress on a military justice reform.

Right now we haven't yet put together our 15 percent report. We are going to take into account all of the factors, all of the issues that are relevant, but I can't speculate just now on how the Secretary will move forward on that.

Mr. McGOVERN: Because I mean I think how we move forward or not move forward on that sends an important signal about how serious we are about not just talking about progress but actually insisting on it. And so we will wait to see how that turns out.

The United States and Mexico have established a formal dialogue for addressing human rights topics, and the U.S. Government has facilitated consultations between the Mexican Government and human rights groups. And I think you touched on this a little bit in your testimony, I guess my question is, what have been the results of each of these efforts so far?

Ms. FITZPATRICK: Thank you, Mr. Chairman. You mentioned the U.S. having several different areas to address human rights within Mexican Government. One of them is a formal human rights dialogue mechanism which we have had since 2009. The last one met a year and a half ago, and we are in the process of moving forward to do another one of these.

But we talk about and work with the Mexican Government and Mexican civil society on human rights at all levels and in various venues and mechanisms, not just through a dialogue or through other mechanisms. So we see this as a constant element of our bilateral relationship. We think that it has yielded some important areas of understanding for us about how the Mexicans and the Mexican Government see their challenges, see their priorities, look at the issues that are most important to them as they deal with these major challenges like reforming their justice sector, professionalizing their security forces and enhancing human rights, and seeing how we can best support them. So I think it has really helped us target our efforts, and so we see these as valuable mechanisms.

Mr. McGOVERN: The issue of impunity is, to me, at the top of the list of things that need to be addressed in order for some other good things to happen in terms of

human rights progress. And I am just curious, in your opinion what are the most important steps Mexico's government could take to reduce impunity and increase accountability for human rights abuses? And what we can do not just to encourage but to help see that some of this progress moves forward?

Ms. FITZPATRICK: Thank you, Mr. Chairman. You have identified one of the key issues, one of the key human rights challenges in Mexico which is impunity, meaning lack of accountability. This is one of the major issues that we engage with the Mexican Government on. Our support in the justice and security sector, especially as Mexico moves in this transition from the written to the oral adversarial system is very much geared toward supporting Mexican efforts to help investigate, professionally investigate crimes, move them through the justice system in an expeditious and professional manner consistent with rule of law and due process and human rights, and to come to a conclusion about who perpetrated them and to mete out justice for those who did. Our efforts through the Merida Initiative in the rule of law and justice sector reform area are very much keyed to that.

We do think that as Mexico transitions into this new system that that will help facilitate this. We do think that the Supreme Court decision that all human rights cases, whoever perpetrates them whether military or civilian, must be tried in civilian courts is an important step, but it needs to be implemented throughout the Mexican judicial system.

So our training, our outreach, all of our work is geared toward helping the Mexicans deal with this huge problem of impunity, which isn't just for human rights crimes but for all crimes in general.

Mr. McGOVERN: And that is where I say that I think when the Merida agreement was before Congress I think I voted against it at the time because I thought there was too much emphasis on security assistance. I think you are changing that focus to help support the implementation of rule of law which ends up helping, I think, in the end with some of these impunity issues. But I guess we have done a million hearings here on a million different countries and when it comes to the issue of impunity the question I always wonder about is, how much is as a result of kind of lack of professionalism, kind of lack of technical assistance in order to be able to bring people to justice versus how much of it is the lack of political will? Because ultimately, I mean it is easy for me to say we deal with impunity, but I know there are powerful forces at work in Mexico.

But I mean is it a political will? We could do all the training in the world and if the political will is not there to actually bring these human rights cases to justice then nothing will change. And I am just curious what your take on the overall government, not just the president but the government's kind of political will to try to straighten things out.

Ms. FITZPATRICK: Thank you, Mr. Chairman. First let me address the first part of your comment that yes, indeed, we have moved in the Merida Initiative from providing assistance related to equipment to providing assistance related to rule of law

and support for human rights. And that is a very important component of what we are doing in Mexico, and I think it is extremely valuable especially in helping attack the impunity issue.

I do think it is extremely important to build the professionalization of those involved in the justice sector whether they are judges, whether they are prosecutors, whether they are attorneys, whether they are security forces. Building that professionalization and institutionalizing a culture of lawfulness and rule of law is extremely important. I think what we are seeing from Mexico in the last few years and from Mexican citizens is a desire to move forward. I think that as they are transitioning into a new kind of judicial system that is a complex process. Mexico is a federal system so they have federal, state, local legal systems that need to sort of be brought into this process.

So I think that people do want to see accountability. I think they want to see reform of the justice sector. And I really do believe that our partnership with Mexican government and Mexican citizens on this is a very important form of our support in our bilateral relationship.

Mr. McGOVERN: I just have one last question. I want to be respectful of your time –

Ms. FITZPATRICK: Oh yes.

Mr. McGOVERN: -- and I want to make sure we get the other people in before they start ringing the bells for votes. But this relates more to the United States than Mexico. One of the things that concerns a lot of us up here is the increasingly violent nature of the conflict in Mexico, the criminal elements having access to some pretty sophisticated weaponry, a lot of it bought in the United States and brought across the border.

I mean am I right in that fact that there is a problem of U.S. arms being illegally brought across the border, and what are we doing to try to deal with that? I know it is politically difficult because you have to deal with the National Rifle Association and every other gun rights group that thinks somehow any kind of a limitation is unacceptable. But I do worry about the fact that a lot of the weapons that some of these criminal elements are getting are coming right from the United States. It is easy to buy guns in the United States, and it is easy to buy a lot of guns in the United States, and I don't think it is that difficult to be able to illegally transport them across the border. But I would appreciate your take on that and what can we do here to deal with that problem?

Ms. FITZPATRICK: Mr. Chairman, I think you have raised a really good question in raising concerns about the illegal flow of arms into Mexico. I think my colleagues in the Justice Department may be better able to really speak to that and speak to what we are doing in that area.

So I think what we try to do through our work, through my Bureau of Democracy, Human Rights, and Labor, in concert with other elements of the State Department and the embassy, is to deal with again those issues that you have raised, Mr. Chairman, the questions of impunity, how to protect vulnerable populations and particularly journalists, women and human rights defenders. That is the area that I am really focused on and that I think is an essential element of how we can help reduce the violence and the human rights violations in Mexico.

Mr. McGOVERN: But in terms of violence I mean guns play a role in it. Maybe what I am looking for is just kind of an acknowledgment as to whether or not I am right or whether I am wrong on the fact that there is a problem with guns being purchased in the United States transported to Mexico.

Ms. FITZPATRICK: Mr. Chairman, I think as I said, I am not trying to evade the question.

Mr. McGOVERN: No, I know.

Ms. FITZPATRICK: I really don't have any real sort of visibility on that. I think that it is an issue and I think that that is what our Justice Department is working on very intensely.

Mr. McGOVERN: Well, I appreciate your testimony. I appreciate your willingness to come by and I appreciate your service, and we certainly support you in all your efforts and the Administration's efforts to try to promote human rights in Mexico and deal with the issues of impunity, which I know are not easy to tackle. But we will stay in touch, and again thank you so much for coming.

Ms. FITZPATRICK: Thank you, Mr. Chairman.

Mr. McGOVERN: I would like to call our second panel up. Nik Steinberg, a Mexico researcher with Human Rights Watch, Santiago Aguirre, a human rights defender with Tlachinollan -- am I saying that right -- Human Rights Center in la Montana in Mexico. We are especially grateful to Mr. Aguirre for making the trip from Mexico to testify at this hearing and for his courageous work as a human rights defender in Mexico. And Maureen Meyer, a senior associate for Mexico and Central America with the Washington Office on Latin America.

And again, thank you all for being here. And I think this is an important subject, and I think we need to be talking a little bit more about it here in the Congress, and hopefully this is the start of some more in-depth discussions.

And we will begin with Mr. Steinberg.

STATEMENTS OF NIK STEINBERG, MEXICO RESEARCHER FOR HUMAN RIGHTS WATCH; SANTIAGO AGUIRRE, ATTORNEY, TLACHINOLLAN HUMAN RIGHTS CENTER; AND, MAUREEN MEYER, SENIOR ASSOCIATE FOR MEXICO AND CENTRAL AMERICA, WASHINGTON OFFICE ON LATIN AMERICA

STATEMENT OF NIK STEINBERG

Mr. STEINBERG: Thank you, Mr. Chairman, and thank you for organizing this hearing on addressing human rights in Mexico. My name is Nik Steinberg and I am the Mexico researcher for Human Rights Watch. The remarks I will share today draw upon over two years of research in Mexico.

I will first lay out our research on widespread abuses and impunity in Mexico's counternarcotics efforts, and then I will put forward recommendations for what the U.S. Government can do to help Mexico address these serious problems.

A principal finding of our research is that Mexican security forces, as you pointed out in your introduction, have committed widespread abuses in combating cartels. Our recent report, *Neither Rights Nor Security*, documents more than 230 cases of killings, torture and disappearances carried out by soldiers and police. These include cases from five different states and involve every type of security force deployed in the war on drugs, the army, the navy and the federal, state and local police.

The patterns of violations we documented provides strong evidence that these are not isolated cases. Rather they are examples of abusive practices endemic to the current public security strategy. For example, we have found compelling evidence in five states of the systematic use of torture by security forces. We reached this conclusion based on findings that torture occurs using the same specific methods, electric shocks, waterboarding, sexual assault, asphyxiation, under near identical circumstances after the victim is detained and in the act of committing a crime, in the same locations, on military bases and in police stations, and for the same purpose, to coerce confessions or obtain information.

Another principal finding of our research is that virtually none of the soldiers and police who commit these abuses is held accountable, in large part due to systematic flaws in the investigations. We have documented scores of egregious lapses by authorities in investigating human rights violations including failing to collect evidence at the crime scene after executions, failing to perform legally required medical examinations of victims of torture, and failing to respond in a timely fashion to reported disappearances.

While it is true that such shortcomings are evident in both the civilian and military investigations, these failures are particularly pronounced in the cases handled by military prosecutors. Mexico's military claims the right to investigate human rights violations under the Military Justice Code which establishes an overly broad notion of offenses that fall under military jurisdiction. But the system is completely opaque, and military judges lack the independence and the impartiality to judge their own.

As Kathleen Fitzpatrick mentioned, in July 2011, Mexico Supreme Court ruled that all human rights violations committed by the military against civilians should be investigated in civilian jurisdiction. However, the practice in Mexico remains unchanged as do the results. The Military Prosecutor's Office has opened nearly 3,700 investigations into human rights abuses committed by soldiers since 2007. Only 29 soldiers have been convicted for these crimes in military courts, less than one percent. Moreover, in none of the more than 230 grave abuses documented by Human Rights Watch in its recent report, has a soldier, a police officer or any other official been sentenced. Meanwhile, recent legislative efforts to reform the military justice system has stalled in Mexico's Congress, in large part due to pressure from the military.

Human Rights Watch fully acknowledges that the Mexican Government is confronting increasingly powerful cartels which have committed horrific crimes against innocent people and officials alike. We recognize that the Mexican Government has a duty to protect civilians from these criminal groups. However, the public security strategy to dismantle these cartels must be aimed at strengthening protections of human rights, not putting them aside in the name of combating organized crime. Why? Because each time civilians are abused, Mexican security forces undercut the public trust and the confidence that are vital to effective counternarcotics operations and only exacerbate a climate of violence, lawlessness and fear across Mexico.

So what can the U.S. Government do? As you mentioned, the U.S. has appropriated more than \$1.6 billion in security assistance to Mexico since 2007 as part of the Merida Initiative. From the outset, Congress mandated that 15 percent of these funds would be withheld annually until the State Department issued a report that affirmed Mexico was meeting basic human rights requirements including investigating and prosecuting military abuses in civilian jurisdiction and prohibiting the use of testimony obtained through torture.

These requirements provide a critical opportunity to measure Mexico's human rights progress and to press the Mexican Government to rein in these abuses. Therefore it is first and foremost crucial that the U.S. Congress keep these requirements in place in future installments of the Merida Initiative.

Second, in order to maximize the effectiveness of these requirements they must be enforced. Yet despite clear evidence that the conditions have not met, and here I would disagree with the testimony that proceeded mine, the U.S. has repeatedly released the conditioned funds. In the coming months, the State Department will produce another report for Congress on Mexico's compliance with the Merida human rights conditions. Based on our findings as well as those of Mexico's National Human Rights Commission, the U.N. Special Investigators and Mexican human rights groups, there is no question that Mexico continues to fail to meet these benchmarks. Therefore unlike past Merida reports, the State Department should unequivocally conclude that Mexico is not meeting their requirements, and upon delivery of this report the U.S. Congress should fulfill its duty to withhold the select funds until the requirements are met.

Third, the State Department has announced that the next phase of the Merida Initiative will include increasing aid to Mexico's state and local governments and law enforcement bodies. Without a doubt, Mexico's local institutions are in dire need of training and resources and the U.S. can play a constructive role in strengthening these bodies. However, it is essential that the U.S. Government develop thorough vetting procedures to ensure that potential recipients of U.S. aid do not have a record of committing grave abuses with impunity.

In closing, I would like to underscore that it is in the U.S.'s interest and Mexico's to address these serious problems, not only because it will help reduce horrific abuses and bring those responsible to book, but also because it is critical to remedying the longstanding flaws in Mexico's judicial and law enforcement institutions. And that will in turn make one of the U.S.'s neighbors and closest allies safer, more stable and more effective in tackling mafias that have an increasingly global reach. Thank you.

Mr. McGOVERN: Thank you very much.

STATEMENT OF SANTIAGO AGUIRRE

Mr. AGUIRRE: Thank you. Good afternoon, Mr. Chairman. My name is Santiago Aguirre. I work as a lawyer in Tlachinollan Human Rights Center in Tlapa, Guerrero, in the south of Mexico, on the Pacific Coast. I appreciate the opportunity to be here. For the whole human rights movement in Mexico it is very significant.

Almost six years ago, when President Calderon declared war on organized crime, none of us could imagine the human rights impacts that this policy would have. More than 50,000 people have been killed while the drug cartels are not losing their power. It is clear that President Calderon's policy is not the solution to the crisis of violence, but rather it has contributed to the violence itself. Moreover, it is false that Mexico faces a war between good and evil. In states like Guerrero, where I live, the line between the government and the criminals is many times hard to find.

As Calderon's administration is coming to an end, it is time to evaluate the efforts made. With this aim, I will present four specific concerns from the human rights perspective.

Our first concern is the use of the army as the centerpiece of the security policy. As a direct consequence of the war on drugs, human rights abuses committed by soldiers have been increasing dramatically since 2006. Complaints have risen by more than 600 percent comparing this administration with the previous one.

The military deployment has never been accompanied by accountability. When soldiers are accused of human rights violation the army keeps the cases under its jurisdiction and the result is impunity. We have documented cases of rape and torture by soldiers that demonstrate this, such as the cases of Ines Fernandez and Valentina Rosendo, in which even though the Inter-American Court of Human Rights ruled in their favor, the soldiers responsible remain unpunished.

Just two weeks ago, an important effort by our Senate justice commission to exclude human rights violations against civilians from military jurisdiction was abruptly ended when high-ranking army representatives intervened with party leaders, so the Senate simply cancelled the vote.

Thus, victims still will have to fight in the courts to try to get their cases out of the military jurisdiction. This has happened in the Bonfilio Rubio case for instance. Bonfilio Rubio was a young indigenous man who was shot and killed by the army in Guerrero in 2009, when soldiers fired at the bus he was traveling in as it left a checkpoint.

Although President Calderon ordered the army to turn over these kinds of cases to the civilian authorities, and even though a federal judge had determined that this case should not remain in the military justice system, in January, the army appealed the ruling defending its jurisdiction, and that is after the Supreme Court decision mentioned earlier. This case is now in the Supreme Court and may become the first binding sentence against the use of military jurisdiction for human rights violations committed against civilians.

With its assistance, the United States must not forget that having the military in security tasks will produce human rights violations that will remain unpunished as long as the investigations are conducted in military jurisdiction.

Our second concern is accountability for police abuses. The army is not the only security force committing human rights violations in Mexico. Police officers at the federal, state and municipal level are frequently involved in abuses while internal and external controls are not in place to enable accountability. The Federal Police maintains these failures, as we have experienced recently in Guerrero, in the case that will allow me to talk also about our fear and concern which is related with judicial reform.

On December 12, 2011, in Chilpancingo, Guerrero, Federal Police officers as well as the state police officers opened fire against a student protest causing a violent riot that ended up with the killing of three individuals, two of which were young students. One hundred and sixty eight police officers were involved of which more than 90 had assault weapons while none of the students carried firearms. What happened there reveals the truth about the Federal Police. A supposedly reconstituted force that has largely benefitted from U.S. aid, frequently presented as the greatest achievement of Calderon's administration. Federal police officers, in fact, opened fire against unarmed and drunk students, and after the event the police did not cooperate with the investigation conducted by the National Human Rights Commission. So far no member of the Federal Police has been charged.

Reports of abuses by the Federal Police are getting more severe. This supposedly reformed police is repeating the same old patterns. U.S. assistance must consider that without enforcing accountability, institutional strengthening and new equipment will not be enough to build a strong and democratic police forces in Mexico. This must include the Federal Police, but also ministerial police at the state level, which is as I said our third concern.

Troubles within the ministerial police are not new. Monitoring the police forces in la Montana, we have registered almost 200 cases involving the ministerial police abuses in the last four years, which is more than 40 percent of all the cases that we have documented. But today the ministerial police in the states like Guerrero is not only responsible for human rights violations, it is also greatly infiltrated by the drug cartels.

The case I mentioned earlier is emblematic in this sense. After the violent assault against the students, 24 individuals were detained and a 20 year old student, Gerardo Torres Perez, was severely tortured by Guerrero's ministerial police officers. This young student recovered his freedom but no one has been charged for the torture, in part because it is well known in Guerrero that some of the officers implicated in this case have strong ties with organized crime.

In Guerrero and other states, the failures and corruption of the ministerial police threaten to undermine the success of the judicial reform in Mexico. This reform, which as you know is strongly supported by U.S. assistance, will fail if the ministerial police is not purged and reformed.

Finally, I want to say a few words about victims, human rights defenders and journalists' protection. Civil society is key to overcoming the Mexican violence crisis, yet its active participation is limited because of risks and threats. This is even more serious in states like Guerrero. For instance, Valentina Rosendo Cantu, whose case I mentioned, have to move several times after repeated threats in the last couple of years. Today she lives in hiding.

Regarding human rights defenders, Mexico City's Human Rights Commission has stated a few days ago that this year 62 defenders have been attacked and five of them have been killed. We live under risk. Ending impunity for human rights violations is one of the best ways to build a strong institution. It is fundamental that U.S. continue to recognize the relevance of independent human rights work in Mexico. In this sense, hearings like this are extremely important.

To conclude, Mr. Chairman, basic actions taken on this side of the border like drug demand reduction or measures against high-powered weapon traffic into Mexico can help to reduce violence. A social approach is also important considering that in regions like the mountains of Guerrero some communities grow illicit crops as a way to survive deprivation and poverty.

Regarding U.S. assistance to the Mexican Government, it is extremely important to push for long-term actions to strengthen Mexican civilian institutions and to enforce accountability at all levels, especially monitoring closely emblematic cases. If not, U.S. assistance will be going to authorities that systematically violate human rights. Thank you.

Mr. McGOVERN: Thank you very much.

Ms. Meyer?

STATEMENT OF MAUREEN MEYER

Ms. MEYER: Thank you, Mr. Chairman. And I wanted to thank you and the Commission for organizing this important hearing on the human rights situation in Mexico and for the opportunity to present my testimony. My name is Maureen Meyer, and I am the senior associate for Mexico and Central America at the Washington Office on Latin America.

I wanted to start by saying that just last year, important reforms were made to Mexico's constitution that represent the most significant legal changes to protect, promote and respect human rights in the country in decades. However, as my colleagues have stated, in spite of these and other efforts, human rights violations continue to be widespread and have increased in an environment that is made even more complex by the proliferation of organized criminal groups in the country.

Organized crime in Mexico has severely weakened the state's ability to protect and promote human rights and uphold the rule of law. The same institutional weaknesses that have allowed organized crime to flourish in the country are also at the root of human rights violations by Mexican officials.

Given this context, I want to focus my testimony on the Mexican Government's efforts to implement institutional reforms to its police and justice systems as essential elements to create rights respecting institutions that citizens can trust. First, on police reform.

A centerpiece of Calderon's administration police reform efforts have been measures to vet its police forces and establish trust control centers that carry out annual evaluations of police performance. While these exams can be an important tool to root out corruption, only 29 percent of Mexican law enforcement bodies have been evaluated, and of these only 50 percent have passed their exams.

Police experts have expressed concern about the over-reliance of these exams to vet forces. Cases have already surfaced where officers who repeatedly passed the exams were later investigated and prosecuted for links to organized crime. More importantly, the reliance on these exams focuses only on weeding out bad apples. It does not create or strengthen internal mechanisms that would address the institutional practices that have been permissive of abuses and corruption.

Within the Federal Police there is also an Internal Affairs Unit. However, this unit has not been effective in addressing eight cases of abuse. Of the eight cases of human rights violations by this force that were documented by Mexico's National Human Rights Commission in 2009 and 2008, no officer implicated in the abuses has been sanctioned. These cases are all violations such as arbitrary detention, torture, unlawful killing, and assaulting and robbing Central American migrants in transiting Mexico.

It is true that compared to the previous Federal Police forces, this current police force created in 2009 are better trained and equipped. However, the failure to implement

strong accountability mechanisms has meant that the same human rights violations committed by police in the past persist today. In fact, complaints of abuse by the Federal Police have increased in number as the force has grown. In 2011, the National Human Rights Commission documented 767 complaints of abuse by this force as compared to only 141 complaints in 2009.

Because of the significant assistance provided to the Federal Police by the United States, it has a vested interest in ensuring that this new force is not undermined by a poor human rights record. We believe U.S. assistance should prioritize support for the development and strengthening of internal and external control mechanisms well beyond the provision of polygraph equipment and support for the National Police Registry. We further encourage the United States to determine ways it can support the new protocols published by the Mexican Government that regulate the use of force and provide guidelines on the detention and transfer of detainees to the custody of prosecutors.

Now on justice reform, the ability to investigate, prosecute and sanction effectively those who commit crimes is an essential element ensuring the rule of law, yet it is estimated that fewer than 25 percent of crimes in Mexico are reported and, as has been mentioned previously, only two percent result in a sentence. Cases taken on Mexican human rights organizations have further shown that of the people sentenced, many never committed a crime. As was discussed in Ms. Fitzpatrick's testimony, Mexico had passed important reforms to its justice system in 2008 that should make the system more effective, efficient and transparent.

An eight-year transition period was established for the implementation of these reforms but so far only three of Mexico's 31 states are fully operating under the new system.

A full transition to this new adversarial system is important to strengthen the rule of law and gain citizens' trust in Mexican's judicial system. Currently, the states that are moving forward with the reforms are showing positive results, such as prosecutors who are being twice as efficient, fewer people being held in pretrial detention and more cases being resolved through alternative dispute mechanisms. Nevertheless, even in states that have the reforms such Chihuahua, old habits die hard and confessions obtained through torture continue to be admitted in legal proceedings.

This is the case of Israel Arzate, who was detained by Mexican soldiers on February 3rd, 2011, in Ciudad Juarez, and taken to a military barracks where he was beaten and tortured. Although he informed the judge during his arraignment that he had been tortured into giving a false confession, she refused to view the visible marks on his body, and did not open an investigation to the torture and ordered that his trial proceed.

Increased efforts to implement judicial reforms are essential to guarantee a more effective investigation and prosecution of crimes, including human rights violations. U.S. support for the judicial reform process has been instrumental in moving more reforms forward at the state and federal level and continued support is important to further strengthen the rule of law in Mexico.

And to conclude, I wanted to say that although legal reforms are important, it is essential to address the underlying factors within Mexico's institutions that will change practices and behaviors. Transparency and accountability including internal and external control mechanisms should be priorities for the Mexican Government to prevent human rights violations and to hold abusers responsible for their actions. The United States should prioritize its future assistance on these areas.

Finally, the United States should use the leverage provided by the human rights requirements in the Merida Initiative and maintain these requirements in the 2013 appropriations bill. As my colleague has stated, withholding these funds until progress is made to meet these requirements, and we believe that they haven't, would send a clear message that the United States is concerned about the gravity of the human rights violations being committed in Mexico.

The expansion of organized crime in the country has left thousands of victims and grieving family members. Because it has further weakened the government's capacity to guarantee human rights, organized crime also needs to be viewed as a human rights issue.

As Mexico struggles to quell the violence and the United States continues to consider future security assistance to Mexico, it is important to remember that the same institutional reforms that are needed to address human rights violations are also essential in order to effectively deal with organized crime and violence. We believe it is in both countries' best interest to work to curb the systematic human rights violations being committed by Mexican security forces as an important way to strengthen the rule of law and citizen security in Mexico. Thank you.

Mr. McGOVERN: Well, thank you. I want to thank all of you for your very powerful testimony. And Mr. Steinberg and Ms. Meyer, I tend to agree with you on the withholding of the 15 percent at this particular time, because I think if we are going to have conditionality in our laws with regard to human rights they ought to mean something. And every time we wave them, because we don't want to get anybody angry or it is convenient, I think it diminishes the importance of that conditionality.

And to the Mexican Government I would just say that if we were to withhold a certain portion of the aid at this particular point, they should use that as leverage to try to push forward reform. Because ultimately you don't want any conditionality, you don't want any aid withheld, so I mean we need to make it very clear that human rights is important. That it is the centerpiece of our policy, and it is so important that if certain conditions aren't met then we are prepared to hold some of the aid as provided for in law.

And Mr. Aguirre, I want to again thank you for being here. I know that it is not easy being a human rights defender in Mexico, and I know it is very dangerous. But I want you to know that we really appreciate you coming all the way up here to testify and that we intend to stay in touch with you. And we hope that you will feel free to pick up the phone anytime you think we could be of assistance because that is what this Commission is for. So thank you for being here.

I have a few questions if I could, hopefully the bells won't ring. But let me kind of go through them a little bit here.

Mr. Steinberg, I guess my question is, why haven't more cases of abuses of civilians by military personnel been transferred to civilian courts? You mentioned that a few had been, but I wonder what is the reason and what is the biggest obstacle to transferring these cases to the civilian justice system, and what can the United States do to encourage that these cases be transferred?

Mr. STEINBERG: In terms of the numbers of cases, as you point out, it is incredibly low. The last time we were in Mexico, last month, we met with a home ministry and they said that eight cases have been transferred out of about 4,000. Now the argument that they make is that these eight cases constitute, show a tendency, a shift in the practices. As far as we are concerned, eight cases out of 4,000 is not a tendency, especially when the majority of them have been mandated by the Inter-American Court.

In terms of why they are not transferred, you mentioned earlier the question of will and the fact that the army doesn't feel the pressure that they need to transfer them. The president has said publicly in two speeches, on December 9th and on February 3rd, that these cases should eventually be moved to civilian jurisdiction. And he has instructed the civilian attorney general to work with the military attorney general in the transfer of cases.

So why isn't this happening? Well, when you talk to the attorney general in Mexico, they still don't believe that they have jurisdiction over these cases. So they are not taking an active role in claiming jurisdiction over cases that the Supreme Court has given them the right to claim. So we both have the military on the one hand still saying that all of these cases belong in their jurisdiction, and also a civilian attorney general and civilian prosecutors' offices that are complicit in this practice because they are not claiming jurisdiction over these cases. So both parts are, in essence, complicit in this.

In terms of what the U.S. can do, Santiago mentioned that there was a very strong proposal that made it through the justice commission in Mexico's senate to reform this system. The proposal was not perfect but it fixed many of the biggest problems in previous proposals including that Mexico had originally wanted to create special tribunals on the civilian side with ex-military members as judges, which would have essentially reproduced the system. This proposal was killed by the Mexican military's pressure on the Senate not to even vote on it.

The best thing that could happen and the way the U.S. could really apply pressure is to get a solid proposal that complies with the Supreme Court decision and complies with the Inter-American Court decisions before the Senate and the House for a vote. That is the most important next step.

Mr. McGOVERN: You think the United States is pushing hard enough or doing enough?

Mr. STEINBERG: Well, one of the conditions of the Merida Initiative is very clearly that these cases be transferred. And every time that we say that Mexico is meeting that requirement when, in fact, it is not meeting the requirement, we are not doing our part. So no, I don't think that we are doing as much as we can on the U.S. side.

Mr. McGOVERN: Thank you.

Ms. MEYER: Mr. Chairman, can I comment on that briefly? I think one thing we didn't talk about as much in the testimony is that the reason there has been a skyrocket on human rights violations by the military is their massive deployment in these counterdrug operations throughout the country under the guise of this is a temporary measure. We need the Mexican armed forces because our police are so weak. If you look at history in Mexico, this has been a pretext that has been used for at least the last 20 years to increase the involvement of the military in public security tasks.

So I think again in terms of a U.S. role, it is to continue to encourage them to have an exit strategy of when you are going to withdraw the armed forces to these tasks that they are not trained to be doing and have led to these massive human rights violations. So again, I think that shift in strengthening the police is very important, and then looking at how do you develop a strategy to remove the armed forces from this task.

Mr. McGOVERN: When I hear that I am thinking of what is happening in El Salvador right now in terms of a similar situation where they are basically having the military do what civilian police should do, but that is a whole other hearing.

Mr. Aguirre, over the past few years there has been an increase in attacks on human rights defenders, and who is perpetrating these attacks and what steps can be taken to better protect human rights defenders in Mexico?

Mr. AGUIRRE: Well, look. According to the U.N. Office for Human Rights in Mexico, the cases that they have registered show that in most of the cases the attacks came from governmental officers. So it is important to say that because sometimes the federal government insists that the attacks on human rights defenders come from organized crime. But the statistics that it is not like that.

Mr. McGOVERN: The military, or when you say federal governmental officials, who are you talking about?

Mr. AGUIRRE: Federal government officials but also state level officials and even municipal level officials. And I think that to reduce risks against human rights defenders it is very important to advance in the implementation of the mechanisms for protections, which have been already designed but they are not being applied in practice. And it is also very important to monitor the investigations of the attacks that were already made. When a human rights defender attack remains in impunity it is a message that it is possible to do that without having any consequence. So I think it is very important to keep an eye on the specific cases of human rights defenders and journalists attacks.

Mr. McGOVERN: In your testimony you describe the extensive involvement of investigative police in corruption and human rights violations. What steps must be taken to effectively reform the investigative police?

Mr. AGUIRRE: Well, as Maureen Meyer said, the most strategic point there is to enable internal and external controls from the police to bring force accountability. Today we don't have in Mexico, mechanisms that allow police to be accountable for corruption, human rights abuses, but also for the crimes they are committing as long as they are being a part of the organized crime schemes that are prevailing in Mexico.

Mr. McGOVERN: Ms. Meyer, you mentioned this in your testimony, I guess. In your view, why has the federal government in Mexico been slower than many state governments in Mexico in moving forward with judicial reform, and what can the United States do to encourage judicial reform at both the federal and the state levels of Mexico?

Ms. MEYER: I think the question before of the will aspect certainly comes into play. The federal government took almost a year to get their second technical secretary in place to actually supportive in the states in the reforms, and Calderon did not present until September of last year a new proposal to reform the federal criminal code of procedures.

So I think it has been very slow, in part because when Calderon introduced the original bill for the constitutional reforms, which was very important, what he wanted out of it as a priority were provisions on dealing with organized crime, which created a separate system for people accused of organized crime that installed a system that would enable detention of individuals for up to 80 days while you gather evidence against them. So not only being accused of a crime but if you are linked to organized crime you are being withheld for that time period.

So I think Calderon and the administration eventually got what they first wanted out of the justice reform was enacted and went into force immediately, and the reforms at the federal level weren't necessarily a priority. I think the U.S. has been providing important support both obviously to the states, but to the federal government to encourage them to introduce a proposal for the federal code, but also Department of Justice is starting to do more and more training of the federal judges and prosecutors.

So we would say that should continue, and I think particularly in the current context the odds of having a federal code passed now before the elections in July or before a new president takes office in December are pretty slim. So it is, I think, approaching the next president of Mexico when he or she takes office in December to say, how are you going to make this a priority? And none of the candidates have really been very firm in it being a commitment, so I think with the U.S., given the support that we have had for the justice's system to encourage the next administration to really make it a priority.

Mr. McGOVERN: This is for any one of you or all of you. What is the single most important step the Mexican Government could take to reduce impunity and increase

accountability for human rights abuses, and what is the single most important step the United States could do to reduce impunity and increase accountability in Mexico? Simple question.

Mr. Steinberg, want to be with you or do you -- Maureen?

Ms. MEYER: Go ahead.

Mr. McGOVERN: Everybody is putting you on the spot first though.

Mr. STEINBERG: Okay. Well, I think a good place to start, because in Mexico the government is quite good at designing huge initiatives and taking a lot of time to plan them and falling off in the implementation, perhaps the most effective place to start would be to pick paradigmatic cases that have been documented, in part by any of the organizations that are here today, and investigate them well. The government could choose from many cases, but the numbers of actual effective investigations are so abysmal that even establishing accountability in a handful of high profile cases would be very positive. And it is important that those investigations take place in the civilian justice system. There is a precedent for this. There was a case that was investigated in the civilian justice system of military abuses known as the Castanos case. It is a case where things happen as they should happen. The military was investigated in the civilian justice system for having committed crimes against civilians. Now that case is now several years old. If the Mexican Government could pick cases where there are clear signs of the military having committed abuse including cases documented by the National Human Rights Commission, and did a thorough investigation and held soldiers accountable in the civilian side, I think that would be a very positive first step.

Now what can the U.S. do to press that? I think we are probably sounding like a broken record here, but actually asking, instead of numbers on how many officers have been trained or how many workshops have been given, for results in terms of people being investigated and prosecuted. And when it comes to those numbers, there is just nothing to show.

Mr. AGUIRRE: Well, I agree. In order to reduce impunity I think that it is crucial to have rich success in emblematic cases that show that it is possible in Mexico to have access to justice, which is not happening now, and it is very important in that in order to strengthen the prosecutor's office at the federal level and at the state level. Now the institutions that are being strengthened are mostly the police at the federal level, mainly the police at the federal level. But the force of the prosecutors' offices is being not supported in the reforms that we are facing now.

And I think that it is very important to keep in mind that due to the size of the violence crisis in Mexico, training and legal reform will not be enough. It is needed to move forward into, for instance, monitoring of specific cases, demanding the cleaning of the corporations of the police corps that are proven to be infiltrated by organized crime, like the ministerial police in Guerrero. I think that is very important.

Mr. McGOVERN: Ms. Meyer?

Ms. MEYER: Not to repeat my colleagues, I think one is just showing results.

Mr. McGOVERN: Repetition is good here because sometimes it sinks in.

Ms. MEYER: Showing results on the concrete cases would be a start, I think. And in terms of accountability, I think it is not just doing one-time purges of your forces. The Calderon government, in the beginning there was a purge of the Federal Police. There was a purge of the customs agencies. There has been a purge of the attorney general's office. They seem a lot of times like one-time deals. We are going to clean up the force and then hope everybody that is in there now is better.

I think it is more the long term having better accountability mechanism. Having internal affairs that actually work and that are showing that people that commit abuses and crimes, there are consequences for that. And that is not happening. So I think it is until those institutional issues are addressed in Mexico you can have continual evaluations of police or purges and it is not going to get to the root of the problem.

So I think again, how do you ensure that those are there, and I think that is where U.S. support is important in saying it is not just an issue of applying polygraph exams. It is a series of issues to really get at accountability. And our police forces, some of them are good examples on how we have worked on this and how we have worked to root out corruption. That would benefit Mexico.

And I think on human rights to which showing willingness to withhold money. And you mentioned that as well as something that is important, of we have conditioned our funding on performance on human rights and looking at using that as important levers to say this needs to be happening in Mexico by showing results on specific cases and I think long-term change.

Mr. McGOVERN: Mr. Steinberg?

Mr. STEINBERG: I just wanted to add two small points returning to your question on police reform because this keeps coming up, and also on what we mean when we talk about investigations of these cases.

I think that it is important to say that there needs to be a balance in that all of us recognize that the police need, we need to build up a police that is trustworthy, but at the same time the process in which that is done is very important. And we have cases in our report of these what are supposedly model police purges basically translating into police arresting other police and torturing them until they confess to being corrupt police. So it is very essential that in a police reform process we not reproduce the same kinds of abuses that we are trying to weed out. That's one.

And in a way the same goes for the investigation of these emblematic cases. The case that Maureen brought up of Israel Azate, which is a case from one is, his torture and

the abuses against this man were produced by demands to produce someone responsible for a very high profile massacre of teenagers in Juarez. He is an innocent man that was the victim of abuses because there were demands for justice elsewhere.

So it is essential that as we demand that Mexico produce results in these cases, and this is the same as they produce results in police training, that they do it in a way that produces trustworthy institutions that doesn't violate the human rights of other people in the process.

Mr. McGOVERN: This has been very, very helpful to me. And this is the first hearing, I think, this Commission has done on Mexico, and it certainly won't be the last. And again, I would invite all of you to stay in touch with us if you have concrete suggestions of things that we should be doing.

I will just close by yielding the floor to any of you if you want to have any closing comments, we would welcome them.

Ms. MEYER: I wanted to add, thank you again for the opportunity to speak and for this hearing.

You had asked Ms. Fitzpatrick about U.S. arms trafficking issues, and I think that is something that we are working on and we do believe as you had also stated, there is a role for United States in this. More information coming out of the ATF has actually said that 67 percent of the more recent weapons that have been submitted for tracing from Mexico have been traced back to the United States. So obviously it is –

Mr. McGOVERN: That is outrageous.

Ms. MEYER: It is a big number.

Mr. McGOVERN: That is to me something that we have some control over that we need to devote a little bit more time to up here. But anyway, I appreciate that.

Ms. MEYER: I think obviously there is legislative issues and much more challenging politically, but it has been encouraging President Obama to do what he can within his executive power in terms of the ban on importation of assault weapons and giving more ATF more capacity, particularly on the border states, to really investigate these cases. We believe it is an important issue.

Mr. McGOVERN: Thank you. Mr. Aguirre or Mr. Steinberg, any final words?

Mr. AGUIRRE: Well, I would like to thank you for this hearing. As I said at the beginning of my testimony, it is very important not only for us in Guerrero but for all the human rights movement in Mexico. And I just wanted to state that in retaining the Merida funds because of the human rights requirements, it is very important as a way to state that the U.S. are worried because of the human rights situation in Mexico, and that the demands of the victims are a truth. So it is very important to be serious when it

comes to check Mexico's advances in human rights situation and not to look on little legal reforms. Mexican government is very good reforming laws, but it fails when it comes to implementing that –

Mr. McGOVERN: It is results that we are looking for here.

Mr. AGUIRRE: Thank you very much.

Mr. McGOVERN: Well, I appreciate those words. I mean they certainly resonate with me, and again I hope that you will stay in close contact with this Commission –

Mr. AGUIRRE: Thank you, sir.

Mr. McGOVERN: -- because we consider you a very valuable resource, so thank you.

Mr. AGUIRRE: Thank you.

Mr. McGOVERN: Mr. Steinberg, any final words?

Mr. STEINBERG: Thank you. I echo my peers' comments here that this is an absolutely essential hearing, and especially coming from a Congress that actually hasn't talked very much about this situation in Mexico, it makes a big difference to be able to raise concerns about these issues.

In closing, I just wanted to bring up an issue that none of us had a chance to talk about today but that all of us have encountered, which is that there is a general attitude in Mexico now that if you are a victim of a human rights abuse that it was because you, yourself, were a criminal. That you had it coming.

A common refrain you hear from mothers of the disappeared who go to look for their sons with local prosecutors or police departments is [in Spanish], because he was involved in something bad, your son, that is why they took him, so there is no need to investigate. And often this is even said about human rights defenders in Mexico or journalists who suffer attacks.

And so I think it is very important that the message come from the United States, and we do this through our conditions but we also do it through hearings like this one, to say that the victims of the abuses that all of us are documenting are themselves not participants in organized crime, that many of them are innocent people and that the act of prejudging them in saying that they are criminals before any investigation has happened is, in fact, endemic and indicative of a much bigger problem in Mexico, which we all have highlighted today, which is that these cases just aren't investigated. And that is, I think, the biggest obstacle ahead and the biggest work from Mexico and where the U.S.'s pressure is most important. Thank you.

Mr. McGOVERN: Well, I want to thank all of you. This has been a very excellent panel. It has been very informative to me and to the Commission, so I thank you for your comments and we will stay in touch. And this hearing has come to an end. Thank you.

Mr. STEINBERG: Thank you.

Ms. MEYER: Thank you.

[Whereupon, at 1:15 p.m., the commission was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD



**Tom Lantos Human Rights Commission (TLHRC)
Hearing**

Human Rights in Mexico

**Thursday, May 10, 2012
12:00PM – 1:30 PM
Rayburn 2226**

– Updated Announcement –

Please join the Tom Lantos Human Rights Commission for a hearing on human rights in Mexico.

Violence and human rights violations associated with Mexico's drug war, including kidnappings, armed robbery, extortion, extrajudicial killings, and forced disappearances, have been on the rise in recent years. Yet the drug war is not the only cause of human rights violations in Mexico: Mexican law enforcement authorities have been found to employ arbitrary detention, torture, and forced confessions in other contexts. All of these abuses are compounded by widespread impunity in Mexico for criminal behavior by both private groups and government actors.

This hearing will examine human rights abuses in Mexico, evaluate the status of efforts to reform Mexico's judiciary and police to bolster human rights protections and assess U.S. policy.

The following witnesses will testify:

Panel I

- Kathleen Fitzpatrick, Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor

Panel II

- Nik Steinberg, Researcher, Human Rights Watch
- Maureen Meyer, Senior Associate for Mexico and Central America, Washington Office on Latin America
- Santiago Aguirre, Tlachinollan Human Rights Center

If you have any questions, please contact the Tom Lantos Human Rights Commission at 202-225-3599 or tlhrc@mail.house.gov.

James P. McGovern
Member of Congress
Co-Chair, TLHRC

Frank R. Wolf
Member of Congress
Co-Chair, TLHRC