

# Rethinking the Drug War in Central America and Mexico

Analysis and Recommendations for Legislators

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# Executive Summary

U.S. security policy in Mexico and Central America, focused on militarized counter-narcotics efforts known as the war on drugs, has had severely negative effects on the region. This report analyzes the effects in four areas – militarization, drug policy, violence against women and forced migration—and examines the impact of this security policy on three countries: Mexico, Guatemala and Honduras.

## Findings

The report finds that current drug war policy has dramatically increased the transfer of arms, equipment and military/police training to the region. Concurrently, we find that violence in the region has exploded.

Our findings raise serious concerns regarding increased U.S. military influence and presence in the region, combined with expanded national military and police activities under the war on drugs. We find that the impact on public safety, human rights, violence against women and democratic institutions has been disturbingly negative. This indicates an urgent need to review and rectify programs and spending priorities.

United States militarization in Mexico and Central America takes diverse forms, from arms sales and military bases, to military training of police forces and an approach to addressing organized crime and social protest that prioritize military doctrines. Despite budgetary constraints in the United States, a plethora of U.S. agencies including the US Southern and Northern Commands, DEA, DHS, ATF, and FBI have expanded activities in the region under the auspices of the drug war.

Along with a rise in generalized violence, we found a significant rise in violence against women, particularly femicides. This increase correlated with greater militarization in all three countries examined. Under recent U.S.-supported policies, security forces have frequently perpetrated acts of violence against women and women human rights defenders have been specifically targeted. These alarming trends not only directly affect women, but also serve as a barometer of human rights and stability.

This report also finds that as a result of the rise of violence in the region, the number of people migrating to flee the violence has increased. Exploding homicide rates and widespread fear in the region contribute to this trend. Migrants in transit also face far greater risk of death and abuses as cartels encroach on migrant

smuggling routes in Mexico. Despite the security build-up, the region's governments systematically fail to combat these attacks and protect migrant men, women and children.

We have seen a significant shift in opinions regarding the underlying rationale of the war on drugs—prohibition of certain substances and enforcement of prohibition laws. This shift, combined with the problems identified above, requires that we rethink our foreign policy related to counternarcotics efforts. A majority of people in the U.S. favor legalization of marijuana and twenty states have regulated its use for medicinal or general purposes. Latin American leaders have publicly questioned the huge commitment of resources and high political and social costs in their countries of enforcing prohibition, in the U.S. which remains the main consumer market for illicit drugs. Recognizing the need for change, the Organization of American States has released a report on alternative scenarios for drug policy reform, one of which includes regulating marijuana.

## Country Findings

Mexico has experienced a marked increase in the homicide rate, with estimates showing 80,000 dead since the war on drugs was launched, 27,000 disappeared, and many thousands more displaced from their homes. The U.S. Merida Initiative has not only failed to improve public safety but correlates with a dramatic erosion of citizen security. The armed forces and police supported by U.S. policy have consistently been implicated in human rights abuses and corruption. Under the government of Enrique Peña Nieto, cooperation on the war on drugs has continued despite these disastrous results and deepening concern in both U.S. and Mexican legislatures.

In Guatemala, a militarized approach to security has not led to a decrease in criminal activity or violence. Instead, it has led to increased repression, human rights violations, and has debilitated Guatemala's transitional justice process. Current U.S. support to the Guatemalan military encourages human rights abuses and has fueled organized crime. Recent reports show evidence of close links between the Guatemalan military and criminal organizations. The questionable use of the military in matters of internal security threatens to open old wounds, and places the long-term peace process in jeopardy, and with it, Guatemala's fragile democracy. Despite legal restrictions on military aid to Guatemala since 1977, counter-narcotics programs through the Central American Regional Security Initiative (CARSI) ultimately reinforce a militarized security model, contributing to the climate of violence in the country.

In Honduras, since the 2008 Merida Initiative and later CARSI were applied in Central America, the homicide rate has gone from 58 to 85 per 100,000 residents, giving it the highest murder rate in the world. In the context of the 2009 coup d'état, impunity and dysfunctional institutions compound the problem. Honduran security forces have been plagued with scandal and accusations of human rights violations and have been systematically used to repress public protest, particularly in defense of land and resource rights. Despite this situation, U.S. aid concentrates on supporting these forces.

### Recommendations to Congress

- **Demilitarize our approach to regional security.** Policy should address organized crime not with military support, but through prosecution and transnational anti-money laundering efforts, arms control and anti-smuggling initiatives. Pentagon budget authorities for the drug war should be zeroed out, including all non-prevention funds from the DOD Counter-narcotics Central Transfer Account. Military assistance under Foreign Operations Appropriations should be redirected. Meanwhile, Congress should fund independent evaluation of human rights impacts of such assistance and demand greater transparency.
- **Hold oversight hearings on the Drug Enforcement Administration,** especially concerning its activities overseas.
- **Stem the rise in violence against women.** Draw down aid to abusive security forces, carry out human rights reviews that include a gender perspective, and support women human rights defenders by denouncing and urging investigation of attacks on them and publicly recognizing their role in building democracy.
- **End policies that feed migration and crimes against migrants:** Divert military aid to job creation, small business infrastructure, human rights defense (including the protection of migrants in Mesoamerica), and other policies that prevent migration or lessen risks to migrants; halt the militarization of the border and de-link border militarization from Comprehensive Immigration Reform and eliminate deportation policies that make migrants vulnerable to organized crime, including night deportations.
- **Open a debate on drug policy and review law enforcement priorities.** Hold hearings on drug policy reform in the Americas, including marijuana

regulation, sentencing reform, and harm reduction; advocate that State Department internationalize the Attorney General's policy position to encourage reduced sentencing for nonviolent drug offenses; endorse a formal position that the U.S. will not intervene in nations pursuing drug policy reform.

### Partial Recommendations by Country

#### Mexico:

- **End the failed Merida Initiative** and develop a bi-national relationship that prioritizes public safety, prevention and eliminating the root causes of crime through poverty alleviation and education, while combating transnational criminal activity within our borders;
- **Reinforce anti-money-laundering mechanisms;**
- **Focus on community-building and repairing the badly damaged social fabric** by contributing to civil society efforts, empowerment of women, education, youth programs and construction of a culture of peace and lawfulness.

#### Guatemala:

- **Maintain current restrictions** on military funding through Foreign Operations Appropriations;
- **Withhold all DOD funding** to the Guatemalan Army and Kaibil special forces;
- **Ensure effective application of the Leahy Law,** prohibiting funding to units and individuals involved in human rights violations;
- **Prioritize support for justice-sector strengthening,** including funds to increase the investigative capacity of the Public Prosecutor's Office, provide protection for judges, prosecutors and witnesses, and the CICIG; increase support for human rights defenders.

#### Honduras:

- **Halt assistance to the police and military in Honduras** until significant improvements in ending impunity and the strengthening the judiciary have been demonstrated, including aid through the CARSI and the multilateral development banks;
- **Hold private sector interests accountable** for any crimes committed;
- **Vote against multilateral development bank loans to or in Honduras** that could impact the fundamental rights of Hondurans.

# Introduction

The Mesoamerican Working Group (MAWG) is a network of independent, non-governmental organizations<sup>1</sup> that share diverse and longstanding partnerships with national, regional, and local groups throughout Mesoamerica; a region that includes: Mexico, Belize, Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica.

We've joined together to study and sound the alarm about the sharp, region-wide increase in murders, forced disappearances, and violations of human rights that have accompanied the U.S.-supported escalation of the drug war. We advocate for human rights, emphasizing the rule of law and non-violent solutions that address the poverty and inequality that diminish opportunity for women, men, and children.

This report brings together the research, analysis, and recommendations of MAWG organizations and their partners in Mesoamerica. We take a critical look at how U.S. policies contribute to militarization, violence against women, and forced migration through failed counter-narcotics policies. We then provide specific analysis from three countries that have been a focus of U.S. regional security initiatives, and where these policies have had negative and counter-productive impacts: Mexico, Guatemala and Honduras. Our concerns in each section reflect a broad consensus among human rights organizations in the region.<sup>2</sup>

Our recommendations highlight the importance of re-thinking the drug war by shifting the focus of U.S. policy to much-needed domestic reforms, while de-militarizing U.S. counter-narcotics initiatives abroad. We call on the U.S. Congress to increase oversight of U.S. security funding and joint trainings in the region, cutting off funding where there is evidence of human rights abuses, and fully implementing Leahy Law procedures. Furthermore, we call on the U.S. government to move towards a human rights-centered approach to policy making, and to increase public support for human rights defenders, particularly women. We also request that the U.S. government does not block drug policy reform efforts that are currently occurring or may occur in the region.

MAWG organizations believe demilitarizing U.S. policies toward the interrelated regional problems of organized crime, drug trafficking, corruption, and

general insecurity is essential to the success of our common efforts for peace, dignity, and justice throughout Mesoamerica.

*Washington, D.C.*  
*November 2013*

# Militarization in Mesoamerica

*By The Fellowship of Reconciliation*

United States militarization in Mexico and Central America takes diverse forms, from arms sales and military bases, to military training of police forces and doctrines for addressing organized crime and social protest that prioritize military approaches. These programs stem from assumptions that underlay a long history of U.S. military intervention and control of the region, which we ignore at the risk of repeating.

While Mexico has opposed any significant presence of U.S. uniformed personnel in its territory, it has nevertheless embraced extensive U.S. military training and equipment to apply the same counterinsurgent tactics as the United States applied in Iraq and Afghanistan.

Armed forces throughout Mesoamerica are receiving training from Colombian military and police forces, a product of 49 years of war and U.S. military training themselves. This assistance is frequently funded by the United States, apparently without human rights Leahy vetting or other oversight.

Although U.S. military assistance to Mesoamerican countries has declined somewhat since 2009, when the Obama administration began constructing budgets, both Pentagon contracts for equipment and services carried out in these countries and authorizations of arms sales in the region have increased substantially, more than counteracting the decline in bilateral military aid.

U.S. arms sales to Mexico in 2008-2012 has increased enormously, amounting to more than \$3.7 billion in weapons, munitions, aircraft, military electronics, and other transfers. In Honduras, Pentagon contracts overwhelm the amount spent on both aid and arms purchases, reflecting the lopsided military relationship. A \$1.3 billion transfer of military electronics to U.S. forces in Honduras authorized in 2011 would represent seven times the Honduran military budget.<sup>3</sup> Though the transfer had not been carried out as of September 2012, its approval by the State Department raises troubling questions about plans for the U.S. military presence and operations in Honduras.<sup>4</sup>

Many countries that host US military activities hope to receive economic benefits and jobs as a result. But more than three of every four Pentagon dollars contracted for services and goods in the region in 2012 went to US-based companies. Only 14% of the \$179.5 million in Pentagon contracts signed in 2012 (including fuel contracts) were with firms in the country where the work was to be carried out.<sup>5</sup>

DOD contracts in Guatemala, where there is a ban on most State Department-channeled military aid to the army, worth nearly \$14 million, were more than seven times in 2012 what they were in 2009.<sup>6</sup> Pentagon counter-drug aid to Guatemala amounted to more than \$25 million in FY2011-2012, more than five times the aid of the two-year period in FY2008-2009.<sup>7</sup>

Some Congressional authorizations for DOD construction of drug war bases and other infrastructure limits projects to \$2 million, and the Southern Command continues to use funds from this authority to construct a variety of facilities all over the Americas.<sup>8</sup> There is a growing number of US agencies involved in the drug war in Latin America. US Southern Command finances construction of military bases, overseen by the Army Corps of Engineers, and on these bases State Department-owned helicopters deploy for DEA-run operations, sometimes using NSA-supplied intelligence.<sup>9</sup> National Guard units from various states deploy to build things for Central American armies. The FBI has built a base in Puebla, Mexico.<sup>10</sup> The US funds Colombian military trainers to train Guatemalan police. US Marines in September trained militaries – especially naval forces – in Guatemala, Honduras and Belize, in counter-drug operations and infantry landings.<sup>11</sup>

The deployment of both U.S. military and law enforcement agencies in Mexico and Central America in pursuit of organized crime and drug trafficking exemplifies the militarization of police and use of military forces in police work. Drug Enforcement Administration and other U.S. personnel should not be enforcing laws in other nations. The attempt to do so contributes to both doctrine and practice that militarizes the police and other civilian tasks.

The agencies are supposed to be building capacity in partner militaries and police. That means that the military bases built by the United States are nominally owned by host-nation forces. But it also means that the military capacity developed through these assets can be used for other objectives besides going after organized

crime. For example, the United States is promoting the installation of surveillance technologies and passage of wiretap laws in Central America, by which Salvadoran and other nations' police can listen in on suspects' conversations.<sup>12</sup> This surveillance capacity can be used for political and other purposes. And for all this capacity-building, not a single U.S. agency is evaluating its impact on human rights.

Moreover, organized crime – the adversary of forces supported by U.S. military assistance in the region – seeks the same military skills, equipment and control of territory as the official armed forces. The criminal organizations not only move illegal drugs, but also prostitution, extortion of licit businesses, other human trafficking, pirated goods, gambling, and skimming government funds. And they do this by controlling territory – once they do so, they can make money from all economic activity, legal and illegal, in the territory. The methods of organized crime are therefore military, as well as terroristic, and seek out military skills and weaponry. These can be obtained from deserters from the armed forces who have been trained by the United States, in the private U.S. weapons market, and by co-opting police and military units, many of which are supported by the United States. The logic of the market – expressed in the extreme by drug trafficking - leads traffickers to view as assets the special forces soldiers and police who have been trained by the state, and to purchase military weapons on the open U.S. gun market.

#### **Policy Recommendations:**

- Pentagon budget authorities for the drug war such as Section 1004 and Section 1033 should be zeroed out, with a concomitant statutory change to de-emphasize wasteful interdiction and fumigation programs. Specifically, we urge the Congressional armed services committees to eliminate all non-prevention funds from the DOD Counter-narcotics Central Transfer Account that are programmed for use in Mexico and Central American countries.
- Military assistance to Mexico and the Central American countries that is part of Foreign Operations appropriations should be redirected to social and violence-reduction programs that are fully consulted with affected communities.
- While military and police aid in Mesoamerica continue, the United States should fund independent evaluation of human rights impacts of

such assistance, specifically conducting follow-up reviews of the human rights records of officers and units that have received U.S. assistance. Specifically, Congress should approve the Foreign Aid Transparency and Accountability Act, which would require results-based assessment of all foreign assistance.

- Armed Services Committees should require timely disclosure of the amounts, uses, and country-destinations of U.S. military and police assistance to the region. The State Department should also disclose, as required by the Leahy Law, what military and police units have been excluded from security assistance on the basis of human rights violations.
- Congress should establish oversight of the Drug Enforcement Administration, especially its activities overseas, through hearings, reporting requirements, and human rights and transparency conditions on the use of appropriated funds.

# Drug Policy Reform in Mesoamerica

*By the Drug Policy Alliance*

After decades of pursuing largely prohibitionist drug policies, change is afoot in Latin America, especially Mexico and Central America. As a result of several internal and external developments, many countries have begun to “break the taboo” about openly debating drug policy reform. Leaders from across the region, past and present, have publicly advocated for a wide-ranging discussion on the topic of drugs, in a bid to move away from a drug war model that has patently failed. However, the seismic change in drug policy discussions in Latin America has not necessarily had the same ripple effects within every country in the Mesoamerican region.

Over the past year, a confluence of major events have made the current moment ripe for discussion on drug policy reform. To begin with, it is important to look at changes in the U.S. and how they impact Mesoamerican countries. The U.S. has undergone at least five recent changes in relation to drug policy that are particularly noteworthy. First, the country has experienced a rapid shift in public opinion regarding marijuana, with a solid majority now favoring its legalization nationwide.<sup>13</sup> Second, twenty states and Washington D.C. currently have some form of legalized marijuana.<sup>14</sup> Third, in November 2012, Colorado and Washington became the first states – and the first political jurisdictions in the world – to approve the full legalization and regulation of marijuana for adults, with sophisticated new regulatory regimes now in place in both states, to begin operation in early 2014. Fourth, the U.S. government has given what seems to be a de facto “green light” to these states (and others that choose to legalize marijuana) by releasing a memo stating that it would not interfere with the implementation of state marijuana laws, provided such laws do not threaten core federal law enforcement priorities, such as prohibiting sales to minors and preventing marijuana from crossing the border into other states. The memo even suggested that states with “strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and possession of marijuana... may affirmatively address these priorities,” by, for example, “replacing an illicit marijuana trade that funds criminal enterprises with a tightly regulated market in which revenues are tracked and accounted for.”<sup>15</sup> Lastly, the Obama administration has attempted to move away from the rhetoric of the

drug war,<sup>16</sup> embracing various domestic harm reduction and sentencing reform initiatives, the most recent of which involves de-emphasizing the federal prosecution of low-level drug possession and implementing practices that will reduce the federal prison system’s overcrowding crisis.<sup>17</sup>

These changes are critically important, not least because the U.S. has hitherto been the principal arbiter of global drug laws – quick to export its own prohibitionist drug policies and to use its influence, both in public and behind closed doors, to prevent other countries from efforts at drug policy reform.<sup>18</sup> Given the significant shift in U.S. attitudes toward drug policy, Latin American leaders have further questioned the huge commitment of resources and high political and social costs of enforcing prohibition in their countries as well as the United States, which remains the main consumer market for illicit drugs that are produced and trafficked in the region.<sup>19</sup> For example, an estimated 90% of cocaine destined for the U.S. passes through Central America,<sup>20</sup> while the U.S. government has asserted that “[M]arijuana distribution in the United States remains the single largest source of revenue for the Mexican cartels.”<sup>21</sup> Moreover, the governments of Mesoamerica are increasingly aware that the U.S. is no longer able to dictate global drug laws to the same degree it once was, and consequently there is more space in which countries can explore drug policy reform.

Beyond the U.S., other external changes have enabled certain Mesoamerican countries to challenge the prohibitionist model of drug policy. The United Nations has heeded the call of some Latin American countries to hold a special session of the General Assembly to discuss alternatives to the war on drugs, which is scheduled to take place in 2016.<sup>22</sup> Bolivia also recently succeeded – over U.S. objections – in challenging international drug conventions regarding coca, temporarily withdrawing from the 1961 UN Single Convention on Narcotics Drugs before subsequently rejoining the treaty with reservations noting that coca is legal in Bolivia.<sup>23</sup> In May 2013, the Organization of American States (OAS) released a two-part report on drug policy reform in the region, which put forward different options for the future of drug policy in the hemisphere, one of which included the legalization of marijuana. The OAS report also recommended decriminalizing drug possession as an “essential element” of an effective, health-centered approach to drug policy.<sup>24</sup> Finally, at the time of writing, Uruguay is a mere legislative formality away from becoming the first



country in the world to legalize and regulate marijuana, which is expected to occur before the close of 2013.<sup>25</sup> Perhaps the clearest indication that this trend extends to the whole of Mesoamerica came in December of 2011, when the heads of state of Mexico, Colombia, Chile, all the countries of Central America, and the Dominican Republic gathered for a summit of the Tuxtla Mechanism for Dialogue and Coordination and issued a joint statement calling on the U.S. and other consumer countries to either reduce their demand for drugs, or “if that is not possible, as recent experience demonstrates, then... to explore possible alternatives to eliminate the exorbitant profits of the criminals, including regulatory or market-oriented options to this end.”<sup>26</sup>

Individually, however, there is great variation in national responses to international drug policy developments. Of all the Mesoamerican countries, it is Mexico and Guatemala that have had the most noticeable reactions to these external events. Former leaders and prominent politicians in Mexico have been the most outspoken in the need to pursue drug policy reform. Ex-President Ernesto Zedillo has talked of the failure of the drug war and the need for reform, as a member of the Global Commission on Drug Policy (alongside other former leaders from Latin America).<sup>27</sup> His successor Vicente Fox has echoed these viewpoints, calling the drug war a “total failure”, and calling for the legalization of all drugs, especially marijuana.<sup>28</sup> Even Felipe Calderon, whose presidential term was synonymous with drug war violence and increased militarization, stated in language similar to the Tuxtla statement, “If the consumption of drugs cannot be limited, then decision-makers must seek more solutions — including market alternatives — in order to reduce the astronomical earnings of criminal organizations.”<sup>29</sup>

Many Mexican activists are quick to highlight the effect of U.S. domestic drug policy changes on their country. As Jorge Hernández Tinajero of CuPIHD (The Collective for an Integral Drug Policy) said, “We were working on cannabis issues and we were alone in the desert. The U.S. action, coupled with a general failure of prohibitionist drug policies, got the attention of many Mexican politicians who were previously not concerned with the issue.”<sup>30</sup> Currently, Mexican federal law does not criminalize the possession of certain quantities of drugs, and states are able to decide what punishment to apply when there is a quantity of drugs that surpasses the amount permitted under federal law.<sup>31</sup> In this sense, states and local authorities believe they have room to maneuver on certain drug laws. Mexico City has taken

the lead on this issue, with officials seeking to push through measures that would legalize marijuana in the Western hemisphere’s second most populous city.<sup>32</sup> So far, current President Enrique Peña Nieto has said he is personally against legalization, but he is very open to a regional debate on the matter, and therefore his reaction to the capital’s actions will be telling.<sup>33</sup> In addition, members of Peña Nieto’s cabinet have made statements reaffirm the president’s willingness to at least debate the issue. Foreign Affairs Minister José Antonio Meade Kuribreña, speaking to the UN in Peña Nieto’s stead this September, called for a re-evaluation of current drug policies in search of more effective approaches based on “a perspective of health, a framework of respect for human rights, and a perspective of harm reduction.”<sup>34</sup> After Colorado and Washington voted to legalize marijuana, Finance Minister Luis Videgaray stated, “Obviously, we can’t handle a product that is illegal in Mexico, trying to stop its transfer to the United States, when in the United States ... it now has a different status.” The election, he said “changes the rules of the game.”<sup>35</sup> Meanwhile, soon after the elections in Colorado and Washington, federal legislators in Mexico introduced a bill to legally regulate marijuana,<sup>36</sup> and though it is not expected to advance in the near term, it has succeeded in advancing the national debate about reform considerably.

Mexico’s neighbor to the south, Guatemala, has also been playing a key role in drug policy reform discussions. Despite his military background, President Otto Pérez Molina has regularly raised the idea of drug policy reform, stating that, “I think it is important for us to have other alternatives. ... We have to talk about decriminalization of the production, the transit and, of course, the consumption.”<sup>37</sup> In the summer of 2012, he convened an OAS meeting with other Latin American governments to discuss options for drug policy reform.<sup>38</sup> He has also worked with neighboring countries to push the UN to put a discussion on drug policy reform on its agenda for 2016, joining the governments of Mexico and Colombia in sending a joint declaration to Secretary General Ban Ki Moon in October of 2012, which called on the UN to “exercise its leadership, as is its mandate, in this effort and conduct deep reflection to analyze all available options, including regulatory or market measures, in order to establish a new paradigm that prevents the flow of resources to organized crime organizations.”<sup>39</sup> In his speech to the UN General Assembly in September of this year, Pérez Molina called on the UN to reform its drug conventions and applauded the marijuana initiatives of Washington,

Colorado and Uruguay.<sup>40</sup> In the same speech, Pérez Molina announced the creation of a commission in Guatemala to explore domestic drug policy reform, and he has signed an agreement with the Uruguayan government to exchange drug policy information.<sup>41</sup>

Yet it is not the case that every government in the Mesoamerican region is on the same page when it comes to drug policy reform, their unanimous approval of the Tuxtla declaration notwithstanding. In Honduras, the most violence-plagued nation in the region and a safe haven for powerful drug cartels, out-going President Porfirio Lobo, while admitting that the war on drugs has been a failure, has rejected legalization as a solution. Similarly, although El Salvador's president, Mauricio Funes, welcomed President Pérez Molina's calls for a discussion on drug policy alternatives, he has strongly opposed legalization.<sup>42</sup> Still, the matter is far from settled in the country; a group of Salvadoran politicians has demanded a national debate on drug policy reform in which legalization is given serious consideration.<sup>43</sup> Nicaragua's Daniel Ortega went one step further, commenting that, "Decriminalization is like saying, 'we've lost.' It would be legalizing crime, because promoting drug consumption, facilitating drug consumption, is a criminal act."<sup>44</sup>

Elsewhere, there have been smaller steps toward drug policy reform. In Belize, the government has set up a committee to study marijuana decriminalization, with a report expected to be released by the end of 2013. However, the committee's chairman, Doug Singh, has been clear that the group will not put forward any changes beyond decriminalization of marijuana, telling local reporters that, "...the proposal is not to legalize the offence, thereby purging it of all its penalties; it is merely to reduce and regulate."<sup>45</sup> Costa Rica has also dipped its toes into the waters of drug policy reform in recent months, with President Laura Chinchilla commenting that, "If we keep doing what we have been doing when the results today are worse than 10 years ago, we'll never get anywhere and could wind up like Mexico or Colombia."<sup>46</sup> In her address before the UN in September, she joined "the call from other States from our region, such as Mexico and Guatemala, to re-evaluate internationally agreed-upon policies in search of more effective responses to drug trafficking, from a perspective of health, a framework of respect for human rights, and a perspective of harm reduction."<sup>47</sup>

Nevertheless, according to Ernesto Cortes of ACEID (The Costa Rican Association for Drug Intervention and

Study), "There is not a serious internal discussion on reform, because drugs are more or less already decriminalized and there is less of a security concern than other countries in the region."<sup>48</sup>

In summary, there is an undeniable, overall trend towards exploring drug policy alternatives in the region, even if some governments have been slower to move or more equivocal in their support for reform than others. The impetus for the change seems to be the widespread recognition that the current drug war model has failed spectacularly – and that Mesoamerica has borne a disproportionate share of the grave costs of this failure. The drug policy developments in the U.S., Uruguay, at the OAS and at the UN have provided fertile ground for serious discussions on reform. There is huge momentum behind such discussions, and opponents of reform will find it difficult, if not impossible, to put the genie back in the bottle.

#### **Policy Recommendations:**

- Hold hearings on "Drug Policy Reform in the Americas" in the Senate Foreign Relations Committee, and the House Foreign Affairs Committee, with witnesses from the OAS, Uruguay, and the Global Commission on Drug Policy.
- Advocate that State Department internationalize the new policy position outlined in U.S. Attorney General Eric Holder's American Bar Association speech, where it was announced that the government would reduce sentencing for nonviolent drug offenses.<sup>49</sup> When carrying out police training or judicial reform programs, the State Department should highlight the benefits of preserving criminal justice resources for the investigation, arrest and prosecution of violent, rather than nonviolent, drug offenders.<sup>50</sup>
- Push the Obama Administration to adopt a formal position that pledges to not intervene in other nations that pursue drug policy reform, thus internationalizing the newest "Cole memo," which affirmed the Obama Administration's intention not to intervene in states that have legalized marijuana. The Obama administration should ensure that this message is delivered to INL, ONDCP, and the National Security Council.
- Push State Department and U.S. representatives at the United Nations to adapt U.S. foreign policy in

general, so that it mirrors recent domestic changes on marijuana, sentencing reform, and harm reduction, thus opening a wider drug policy reform conversation at the international level.

- Encourage the Administration and State Department to meaningfully participate in the growing debate about drug policy alternatives, during the 2016 UN General Assembly Special Session and in other regional and international processes.

# Violence Against Women in Mexico and Central America – And the Impact of U.S. Policy

By J-ASS (Just Associates)

*“The war on drugs in Mexico, Honduras and Guatemala has become a war on women. Efforts to improve ‘security’ have only led to greater militarization, rampant corruption and abuse within police forces and erosion of rule of law. Ultimately, it has resulted in a crisis of insecurity where no one is safe.”*

- Nobel Peace Laureates Jody Williams and Rigoberta Menchú<sup>51</sup>

Alongside the sharp rise in violence and violations of human rights generally in these countries, the nations under review have experienced an alarming increase in violence against women. We see an increase in femicides, attacks on women human rights defenders and rape and other forms of sexualized violence committed by state security forces and shadow powers such as organized crime, business interests, and private security forces throughout the countries.

Women’s and human rights organizations in Mexico, Guatemala and Honduras have reported a clear correlation between public expenditures U.S. foreign aid for security and counternarcotics programs, and violence against women.

In Mexico, during the Calderon administration (2006-2012), the U.S. government spent nearly \$2 billion on equipping and training the Mexican Armed Forces and Police along with billions in Mexican security funding—both significant increases compared to past levels. During this period, women’s vulnerability and attacks increased rather than decreased—Ciudad Juarez is a vivid example. The border city already had been identified as the site of a series of unresolved murders of young women, many involving sexual violence. In 2007, 53 femicides were reported. One of the major military operations of the U.S.-backed war on drugs was launched in Ciudad Juarez in 2008. By 2010—the height of the military presence—that number had risen tenfold to 584.

In the wake of the 2009 coup in Honduras, there was a 62% increase in femicides. In Mexico, the number of

femicides went up 68% between 2007 and 2009 during which the armed forces were deployed in many parts of the country to fight the drug war. In Guatemala, registered femicides went up from 213 in 2000 to 707 in 2012.<sup>52</sup>

*“When countries are not experiencing active conflict, evidence shows that violence against women can be a primary indicator of a nation’s stability, security, and propensity toward internal or external conflict. This indicator may be as telling as levels of democracy or wealth.”*

- U.S. National Action Plan<sup>53</sup>

In our research, we found that these three governments have failed in their basic legal obligations to protect women. Although in many cases significant public resources and policy attention has been directed to the problem, factors including institutional weakness and corruption, lack of access to justice, and economic and security policies have not only blocked advances, but led to the deterioration in women’s basic safety, access to justice, and full exercise of their rights. The governments in Mexico, Honduras and Guatemala have been guilty by omission in guaranteeing basic safety, and oftentimes government officials and security forces are directly implicated in acts of violence against women, from discrimination and harassment to rape and assassination<sup>54</sup>.

Women human rights defenders (WHRD) face specific risks. From 2010 to 2012, at least 38 women human rights defenders were assassinated, with Mexico leading with 27, Honduras with 9 and Guatemala with 4. The Mesoamerican Women Human Rights Defenders Initiative registered 414 attacks against WHRD in 2012 alone—with Guatemala registering 126 attacks—noting that attacks are under-reported. Given the sense of general insecurity and impunity in the region, only 52.4% of WHRD who were surveyed reported attacks to law-enforcement authorities, while 12% say they have not. No information was available in 35% of the cases<sup>55</sup>.

A 2012 survey of women human rights defenders from Mexico, Honduras, Guatemala and El Salvador found that the majority who had received threats or attacks reported that the state itself was the suspected perpetrator. State actors accounted for 87% of the attacks committed against WHRD: municipal authorities (26.8%), state, departmental or provincial authorities (23.7%), police (14.5%), military (14.3%), and federal authorities (7%). This raises serious questions regarding the U.S. support for the rule of law that forms

the backbone of U.S. security aid. The corruption, discrimination, disregard and complicity with organized crime found within the ranks of the police and armed forces in these countries heightens the dangers for women. With high desertion and coercion rates<sup>56</sup>, a high volume of military equipment and trained personnel passes into the hands of organized crime.

The result is the escalation of violence by powerful, armed men on both sides. In a *machista* society, where discrimination and misogyny continue to permeate all levels of society—both public and private—women are more vulnerable to all kinds of violence, from targeted retaliations to sex trafficking and domestic violence. Their bodies become part of the territory in dispute and the spoils of war. Examples include a Mexican drug kingpin supported by local police who kidnapped high school girls on a regular basis to rape and release; rapes and sexual abuse by the armed forces, cases of sexual torture and murder used to send warnings to rival drug cartels, and targeted threats and attacks on women human rights defenders and journalists who speak out about the violence in Mexico, Honduras and Guatemala. Across the region, despite the fact that the majority of those murdered have been men—as is the case with most wars—women continue to face the greatest number of threats as a result of their efforts in leading the search for disappeared family members, seeking justice for murdered loved ones and defending their communities from illegal land grabs and displacement.

Within the Movement for Peace with Justice and Dignity in Mexico, women make up more than 70% of those pursuing the cases of disappeared loved ones within the Victims Platform. In Guatemala they are on the frontlines leading their indigenous communities fighting for the right to consultation (ILO Convention 169) and to block harmful mining projects and other large-scale development projects that would displace them from ancestral land and destroy their livelihood.

In Honduras, women lead the fight to rebuild democracy following the 2009 coup and to reverse the downward spiral into violence and lawlessness—which has given the nation the highest murder rate in the world. Under the umbrella of counternarcotics, the U.S.-supported response has resulted in outright occupation by military and civilian police—and now a newly formed military police force—of whole communities and rural areas across the country, putting women at greater risk given the weak structures of accountability of the police and military. In both Honduras and Guatemala,

indigenous and rural women defending the rights of their communities are threatened, killed and increasingly arrested and prosecuted as *terrorists* or *threats to national security*.

Across all areas of Mexico and Central America, women leaders become targets for repression as a result of their activism; they are intimidated to silence their voices and threatened—along with their families—so that they cease being activists or are forced into exile. When violence is attacked with violence, women become both victims and defenders. They are disproportionately and differently affected by violence, violation of human rights and the erosion of the social fabric. Mesoamerican states and the U.S. government continue to respond by funding security policies framed as counternarcotics, *anti-terrorism* and *fighting organized crime* that arm and train men to patrol and control the population which has put women at greater risk. On the other hand, approaches to public safety that direct efforts to root causes and emphasize community reconstruction, and strengthen judicial systems to end impunity, favor women’s empowerment and are more likely to reduce criminal recruitment and create strong, lasting peace. As stated by the US’ own *National Action Plan on Women, Peace and Security*, “the safety of women and their families must be a top priority for security efforts around the world.”

#### **Policy Recommendations:**

In line with both the recommendations found in subsequent sections of this report as well as the objectives found in the U.S. National Action Plan on Women, Peace and Security<sup>57</sup>:

- Immediately implement the recommendations to cease military aid to these countries included in the militarization section and recast the Merida Initiative and CARSI.
- Require all human rights and security assessments in the region to integrate a gender-perspective and include specialists with knowledge about women's rights and WHRD to ensure a consistently more comprehensive analysis of the impact of US foreign and security policy on the majority of the population.
- Review the impact of current security policies through the lens of the objectives found in the U.S. National Action Plan on Women, Peace and Security—on women’s human rights and on

WHRD and re-orient toward a non-discriminatory rights and community-based approach.

- Support WHRD by publicly denouncing and urging investigation of acts of violence against them and all women, and recognizing the important democracy-building work they do. This includes meeting with this sector, monitoring their safety and providing resources to their organizations to expand their work and protection through trusted civil society institutions capable of ensuring that they reach individuals and groups.
- Support the forensic and investigative capacity of judicial and public health institutions including the purchase of rape kits, expansion and training of special units capable of investigating gender-based crimes.

# Immigration and the Escalation of the Drug War in Mesoamerica

*By School of the Americas Watch*

Immigration to the United States from Mexico, El Salvador, Guatemala and Honduras has been the result of a unique combination of economic, social, and political factors in each respective country. Although the root causes of migration waves from Mesoamerica may vary, the entire region has seen an increase in migration due to drug war related violence in the last 2-3 years.

## 1980 to the Present

The civil wars in Central America produced a boom in migration to the U.S. Only 353,900 Central American immigrants resided in the U.S. in 1980. Ten years later, the population had almost tripled to 1.13 million. There are now over 3 million Central American born immigrants living in the U.S.<sup>58</sup> Immigration from Mexico has also dramatically risen over the last three decades, increasing from approximately 1 million Mexican born immigrants in 1980 to over 11 million today.<sup>59</sup> Historically, Mexican migration to the U.S. can be largely attributed to economic antecedents, including the Mexican peso crisis of 1994 and the post-NAFTA displacement of subsistence farmers.

## Recent Indications of Increasing Links Between Drug War Violence and Immigration

Since 2008 the United States has funneled billions of dollars into Mesoamerica through the Merida Initiative and CARSI, utilizing a militarization strategy to combat the supply of drugs rather than preventative measures to curb demand. However, this strategy has not curtailed the flow of drugs. Instead it has left behind a wake of human rights abuses by drug cartels and Mesoamerican security forces, cultivated a climate of fear, and forced many citizens to choose between migration or the very real possibility of death.

The increase in the flow of Mesoamerican migration as a result of drug war related violence can be seen in the dramatic increase of asylum applications in recent years, from 5,369 in FY2009 to an anticipated 28,600 through the end of FY2013. Those statistics were cited in drafted comments obtained by the Associated Press by USCIS

Associate Director Joseph Langlois, where he also stated that  $\frac{2}{3}$  of those requests come from the Northern Triangle as a result of “increased drug trafficking, violence and overall rising crime.”<sup>60</sup> Border apprehension statistics from countries ‘Other Than Mexico’ (predominantly comprised of Northern Triangle migrants) also support this claim, nearly doubling from FY2011 (54,098) to FY2012 (99,013).<sup>61,62</sup>

Because Mexican migration to the United States is fueled primarily by economic reasons, the US recession combined with Mexican economic growth and a lower birthrate have contributed to a 75 percent drop in illegal crossings to the United States since 2005.<sup>63</sup> However, new asylum applications from Mexico have grown from 3,855 in FY2009 to 9,206 in FY2012. The dramatic increases in Mesoamerican asylum applications have prompted House Judiciary Chairman Rep. Bob Goodlatte (R-VA) to accuse asylum seekers of fraud. Given the region’s rising homicide rates, including the over 70,000 drug war related deaths in Mexico since 2006, such accusations are short-sighted at best. Despite genuine and credible fears of death, over 90% of Mesoamerican applications are denied due to the limited definition of legal asylum.<sup>64</sup>

## Conclusion

Despite a clearly failing strategy, the U.S. continues to squander billions in its militarized approach to the drug war in Mexico and Central America. Despite growing demands for new approaches from local and international stake-holders, the U.S. government neglects to address the impact of its domestic drug policies abroad while the citizens of Mesoamerica suffer the consequences through the loss of life and livelihoods. Until this approach is reevaluated, the violence and murder spurring migration from Mexico and Central America into the U.S. cannot be expected to slow anytime soon. Adding additional danger and risk to these scenarios is the increased encroachment of drug cartels into migrant smuggling routes and operations, which subjects transmigrants to a litany of human rights abuses including sexual assault, forced recruitment, extortion, kidnapping for ransom, and human trafficking, all of which the governments are not combating effectively, if at all.

## Policy Recommendations:

- Divert or eliminate military aid to Mesoamerica – Funds from drug war militarization efforts (Merida

Initiative, CARSI, and direct funding of regional security forces) should be diverted into job creation, small business infrastructure, human rights defense (including the protection of transmigrants in Mesoamerica), and other policies that seek to prevent migration or lessen the vulnerability of those that choose to migrate. Militarization funds should also be diverted to anti-corruption and anti-money laundering initiatives that target systemic actors in the drug trade instead of the migrants and common citizens that are dying in the drug war.

- Halt the militarization of the border/De-link border militarization from Comprehensive Immigration Reform – The militarization of the border contributes to the criminalization of migration by reinforcing the notion that all migrants are national security threats and/or willing participants in the drug trade. In reality, a significant percentage of migrants are legitimate asylum seekers or fleeing drug war related violence. Proponents of increased border militarization do not even claim that it will decrease the availability of drugs in the U.S. The primary results of further border militarization will be increased migrant deaths along the border and the complete disruption of life in U.S. and Mexican border communities. The whopping \$30 billion allocation for border militarization in the Senate immigration bill could produce positive, meaningful results if directed towards ameliorating the root causes of migration and other initiatives outlined in Recommendation #1.
- Reform of asylum and other immigration laws – The current U.S. asylum system cannot adequately handle the increasing incidence of fear-based migration from Mesoamerica. A thorough reevaluation of potential immigration solutions for migrants fleeing drug war violence, including the creation of new forms of immigration relief (i.e. TPS, Deferred Action), should be undertaken. Strict criminal and immigration consequences for nonviolent drug offenses in the U.S. have resulted in the deportation of thousands of long-time residents of the U.S., including Legal Permanent Residents. Many deportees are then targeted by drug cartels and face harsh criminal consequences for re-entering the U.S., even when fleeing persecution. Changes should therefore be made to federal law in order to ease the plight of drug war migrants, including the lessening of consequences for nonviolent drug offenses and illegal re-entry.

- Eliminate deportation policies that make migrants vulnerable to organized crime
- End the Alien Transfer Exit Program - ATEP repatriates Mexican migrants to remote border ports hundreds of miles away instead of the nearest port in an effort to deter attempts at re-entry. However a May 2013 Congressional Research Service report<sup>65</sup> found that these migrants actually attempted to recross at a higher rate than other migrants. This lateral deportation instead separates families and groups/persons travelling together for safety, leaving female migrants at additional risk.
- End all night deportations - A University of Arizona survey<sup>66</sup> found that one in five migrants reported being repatriated between 10:00 p.m. and 5:00 a.m. to ports riddled by violence and organized crime.



# Mexico

By CIP Americas Program

Since then-President Felipe Calderon announced the war on drugs on Dec. 11, 2006<sup>67</sup> and the United States announced its political and economic support through the Merida Initiative on Oct. 22, 2007, Mexico has become a tragic example of the social costs of the counternarcotics strategy centered on enforcement and supply interdiction.

Given the lack of criminal investigation to know which homicides are “drug-related,” the best indicator of the extreme rise in violence since the war on drugs was launched is the change in the homicide rate.<sup>68</sup> By best estimates, including the government’s own, more than 80,000 Mexicans have been murdered in drug war-related violence since 2006, with another 27,000 disappeared and feared dead. What is particularly remarkable is the sharp rise corresponding to the launching of the war on drugs and the Merida Initiative. According to Mexican government statistics, the homicide rate *more than doubled* under the war on drugs, comparing the period of the Fox administration of 2001-2006 to 2007-2012. The principle reason is the U.S. and Mexican governments’ “kingpin” strategy that has concentrated on “taking out” drug cartel leaders through arrests or killing. This causes bloody turf battles between rival cartels, conflicts for succession, or fragmentation of cartels into more ruthless splinter groups--often with security forces involved.

The Mexican government has deployed more than 45,000<sup>69</sup> troops into various regions of the country in an unprecedented series of “Joint Operations” by Federal Police and armed forces. In many places, security forces have even replaced civilian rule.<sup>70</sup> This deployment raises numerous constitutional questions. Although there are some specific circumstances in which the use of the Mexican Armed Forces is considered justified within national territory, the Mexican Constitution restricts the domestic function of the Armed Forces in peacetime to those directly connected to military discipline. The deployment of the armed forces in the drug war, in the absence of a declared state of emergency, is difficult to justify in legal terms.

The domestic role of the armed forces in practice also threatens civil liberties and has led to a huge increase in human rights violations by these forces. The Army

receives an average of four human rights complaints a day, with a tiny fraction investigated and sanctioned.<sup>71</sup> Members of the armed forces have been implicated in arbitrary arrests, corruption, extrajudicial executions<sup>72</sup>, the use of torture, and excessive use of force.<sup>73</sup> Since cases are still normally tried in military tribunals, there is a very low prosecution rate. The Inter-American Court of Human Rights (IACHR) ruled against the use of military jurisdiction in cases involving human rights violations of civilians.<sup>74</sup> In a historic ruling, the Mexican Supreme Court held on July 6, 2011 that the armed forces must respect the decision of the IACHR. Despite the combined mandate of both international and national rulings,<sup>75</sup> practice has yet to conform.

Both governments have sought to minimize the importance of the spike in violence and delink it from the war on drugs, despite the clear correlation. In 2010, then-president Felipe Calderon claimed that 90% of homicide victims were criminals killing each other.<sup>76</sup> At the same time he admitted that only 5% of crimes were investigated, let alone prosecuted and punished, thereby making it impossible to distinguish guilt or innocence. Moreover, the implication that anyone associated with the drug trade deserves summary execution violates basic ethical and human rights principles. Mexican citizens, notably in the Movement for Peace with Justice and Dignity, refuse the explanations that their murdered loved ones are criminals or “collateral damage” of the war on drugs. Local organizations of families of the dead and disappeared have been formed throughout the country to seek justice and change security policy. The U.S. government has acknowledged the rise in homicides but maintains policies that provoked it.

Although some statistics show a drop in the homicide rate since the December 2012 inauguration of President Enrique Peña Nieto, the death rate under the new administration is just slightly below the Calderon administration so far, at 52 a day compared to 56 under the previous administration. Meanwhile, kidnappings have risen and in many areas violence is increasing. Displacement due to conflict and insecurity has affected between 230,000 and a million citizens and the number of asylum requests to the United States has risen sharply.

## U.S. Policy

Congress through the Merida Initiative has allocated more than \$1.9 billion dollars to this failed effort, the vast majority to armed forces and police through counternarcotics (INCLE), Foreign Military Funding

and training programs. This mirrors the drug budget in general. The Congressional Research Office reports that “the FY2013 drug budget continues to spend a majority of funds on supply reduction programs including drug crop eradication in source countries, interdiction, and domestic law enforcement efforts”<sup>77</sup>. This has had particularly disastrous effects in Mexico, where supply-side interventionist policies have failed to show positive results and have had negative consequences on the environment, public safety and human rights.

Between \$19 billion and \$29 billion in illicit proceeds flow from the United States to drug trafficking organizations and other organized criminal groups in Mexico each year, according to a 2010 Homeland Security study.<sup>78</sup> Smuggling of bulk cash, use of stored value cards and laundering through financial institutions are common forms of illicit flows. Although some border programs fund operations to stop bulk cash smuggling, programs to track and confiscate illegal flows within the United States and anti-money-laundering programs have been underfunded, especially relative to resources spent abroad on the Mexican military, police and intelligence forces.

The new security paradigm of “shared responsibility” recognizes the U.S. role, but has led to policies that continue to be focused on Mexican enforcement. Although the second phase of the Merida Initiative changes the emphasis to “institution-building”, military and police support continues to dominate funding and actions. Moreover, U.S.-mandated vetting of police forces has been slow and ineffective and justice reform at the federal level has also stalled, according to the CRS report. In states where judicial reform has progressed, like Chihuahua, the results are less positive than hoped. The lack of progress responds to technical difficulties, but primarily is a result of failing to take into account the lack of political will for reform and key differences between the Mexican and U.S. systems. Astoundingly, the 21st Century border modernization pillar of the Merida Initiative does not address the problem of corruption—the problem at the heart of contraband smuggling on both sides of the border.<sup>79</sup>

Mexico has also rightfully pointed out that uncontrolled arms smuggling out of the United States into Mexico has exacerbated violence there. While part of the problem is the ease with which guns are purchased in the U.S., another part is deficiencies in law enforcement regarding crossborder smuggling. Universal background checks

and effective inspection at the border is needed to stem the flow of illegal arms to Mexican drug cartels.

The Merida Initiative and foreign aid to Mexico as a whole must be reviewed before proceeding with a policy that has produced so much bloodshed and human suffering without producing desired results. Recently the Senate Appropriations Committee froze funds, citing a lack of strategy on the part of both the U.S. and Mexican governments. In our opinion, this assessment is correct and should be heeded as a sign to rethink U.S. policy. A GAO report of July 2010 on the Merida initiative found it lacked benchmarks to measure success.<sup>80</sup> This is no small flaw for a major policy, especially in the area of security. With current confusion over whether the goal is national security, citizen security or public safety—all requiring different focuses—it is essential to establish a clearer and shared conception and to enable facts-based evaluations to ascertain whether goals are being met.

What can be said at present is that the drug war in Mexico has failed in most performance measures. It has exacerbated insecurity among the Mexican population and led to fears of greater violence in the United States as a consequence. It has eroded rather than supported rule of law by detonating turf battles between cartels that play out in the streets and overwhelm an already severely crippled justice system. It has done little to stop corruption on either side of the border. Meanwhile studies show the supply of illicit drugs has continued without significant change.

The Mexican and U.S. governments have declared that the relationship between the two nations goes beyond security. Indeed no two nations are as deeply integrated economically, socially and culturally as the two North American neighbors. However, our binational policy is directed at security policy that defines Mexico as a threat to national security and leads to a military and police build up at the expense of citizen security and democracy. This must change.

#### **Policy Recommendations:**

- End the Merida Initiative and other military and police aid to Mexico. It has not worked and will not work. It is time for creative alternatives to increasing the power of corrupt security forces and attempting to fight violence with violence.
- Develop a binational relationship with Mexico that prioritizes public safety, prevention and root causes

of crime through poverty alleviation and education, while combatting transnational criminal activity within our borders.

- Reinforce anti-money-laundering mechanisms.
- Focus on community building and repairing the badly damaged social fabric by contributing to civil society efforts, empowerment of women, education, youth programs and construction of a culture of peace and lawfulness.

# Guatemala

*By Guatemala Human Rights Commission/USA*

Current U.S. support to the Guatemalan military encourages human rights abuses and feed instead of combat organized crime.

In Guatemala, rates of violence are reaching levels only seen during the years of the internal armed conflict, and rampant impunity for these crimes continues. As the nation finally begins to address past atrocities committed by the armed forces against the civilian population, controversial “security” policies have put soldiers back onto the streets. The questionable use of the military in matters of internal security threatens to open old wounds, and places the long-term peace process in jeopardy, and with it, Guatemala’s fragile democracy.

Guatemalan governmental institutions are often ill organized and rife with corruption. While the nation boasts the largest economy in Central America, wealth distribution is grossly unequal. In fact, the World Bank lists Guatemala as the second most unequal country in the world in terms of income distribution.<sup>81</sup>

## Impunity for Past Violence

Historic inequalities, racism, the lack of democratic spaces, and the concentration of land in the hands of the wealthy elite were key factors in Guatemala’s internal armed conflict, which began in 1960 and lasted for thirty-six years. The war, which officially ended with the signing of the Peace Accords in 1996, left 200,000 dead and missing. The great majority of the victims were indigenous.<sup>82</sup>

The U.N. Historical Clarification Commission established that state forces, especially the Army committed 93% of all acts of violence during the war, including acts of genocide.<sup>83</sup> The U.S. government worked closely with the Guatemalan military during the conflict, providing funding, weaponry, training, and strategic guidance, despite clear evidence of ongoing and widespread human rights violations.<sup>84</sup>

Impunity for past human rights abuses prevails in Guatemala. While a few military officials have been successfully prosecuted, the overwhelming majority of those responsible for egregious violations committed during the conflict have not been held accountable. The

recent ruling by the Guatemalan Constitutional Court re-opening discussion amnesty for former dictator Efraín Ríos Montt –charged with genocide and war crimes – is only the most recent example of widespread official and institutional resistance to true transitional justice process.

## Organized Crime Linked to the Military

Power structures that thrived during the war linking criminal groups, the military, police, and the Guatemalan elite, have not been dismantled. According to the U.S. DEA, Guatemalan trafficking networks in the 1980’s were “composed of military intelligence officials, their subordinates and former colleagues, and informants and partners.”<sup>85</sup> After Peace Accords were signed, clandestine parallel power structures and organized criminal networks continued to operate, leading to the creation of the UN-backed Commission against Impunity in Guatemala (CICIG).<sup>86</sup>

Today, investigations by the U.S. Government and journalists demonstrate close links between the Guatemalan military and criminal organizations. According to U.S. defense contractor CNA’s December 2011 report, there is “an abundance of evidence that criminal organizations engaged in trafficking have penetrated even the highest levels of the Guatemalan military and police.”<sup>87</sup> The Guatemalan press has documented numerous cases of weapons thefts from Guatemalan military bases, indicating a direct flow of arms from the military to criminal organizations.<sup>88</sup>

Civil society has raised particular concern about the participation of former members of the Guatemala’s elite counterinsurgency force, the Kaibiles, in criminal activities. The Kaibiles, sometimes referred to as trained “killing machines,” were responsible for a number of the most horrific massacres in the 1980s; numerous recent cases reveal the participation of ex-Kaibiles in other gruesome acts of violence, including massacres in Petén, Tamaulipas and Tabasco.<sup>89</sup> A declassified DEA document from 2005, titled “FYI on Kaibiles,” documents evidence of an alliance between the Kaibiles and the Mexican drug gang, the Zetas.

The 2012 State Department Human Rights Report raised concern about Guatemala’s security forces, noting: “Members of the police and military committed unlawful killings.”<sup>90</sup>

## Re-militarization of Public Security in Guatemala

The Peace Accords placed limitations on Guatemala's military in order to strengthen democracy, and as a response to the atrocities the military committed against its own people. The Guatemalan police force, however, lacks training and professionalization. The current administration has done little with the police reform plan left by the previous government, and instead has continued to starve the institution of resources.

When Otto Pérez Molina assumed the presidency in January 2012, he became the first career military official to hold that office in 25 years. He immediately called on the army to collaborate in "neutralizing illegal armed groups by means of military power."<sup>91</sup>

Since then, the army has aggressively assumed a large role in public security. Military checkpoints dot the highways, and joint military-police patrols have become the norm. During the first year of the Pérez Molina administration, at least five new military bases and outposts were inaugurated, and the role of the army continues to expand:

- Soldiers were deployed en masse to fight crime in Guatemala City's poorest neighborhoods. In September 2012, Pérez Molina inaugurated the Maya Task Force in Zone 18, with 1,200 soldiers and 100 police. He initiated a similar operation in Zone 12 in November.
- In June, 2013, the government inaugurated three "citizen security squadrons" each with 500 soldiers, to support the police in Esquintla, Zacapa and Huehuetenango.
- In July 2013, a new military Inter-Agency Border Unit, also known as Joint Task Force Tecún Umán (Fuerza de Tarea Tecún Umán) began operating along Guatemala's border with Mexico.
- In 2012 and 2013, the Guatemalan government declared 1 state of prevention, 10 states of emergency, and 2 states of siege.<sup>92</sup> These declarations, like martial law in the U.S., limit the rights of citizens and grant exceptional powers to the military.

Militarization extends beyond having more soldiers in the streets. According to Guatemalan security analysts, upwards of 40% of security-related government posts – as well as numerous other key public offices – are held

by former military, including many who were directly involved in the counterinsurgency campaigns; some have been named in cases of crimes against humanity during the conflict.

Many of these policymakers, including Pérez Molina himself, hail from the generation that endorsed violent repression against anyone who challenged existing structures of racism, or economic and political exclusion, labeling them "subversives", "guerrillas," "terrorists" and "internal enemies." This discourse is once again commonplace and government officials are quick to label community leaders as criminals and terrorists. This tendency is particularly egregious in areas where communities – principally indigenous communities – actively oppose large-scale extractive projects that have been imposed without required consultations or consent from the local population.

Under the current administration, states of siege (martial law) involving massive deployments of soldiers have also been used repeatedly to repress social movements and protests.

- May 2013: A state of siege is declared in four municipalities in eastern Guatemala following community protests to a proposed silver and gold mine.
- May 2012: A state of siege is declared in Santa Cruz Barillas in the context of ongoing opposition to a hydroelectric dam and the assassination of a community leader. The military arrived en masse again at the end of September 2013 in response to large-scale protests following the arrest of a local resident.
- June 2008: A state of emergency is declared in San Juan Sacatepéquez after the assassination of a local resident, amidst community opposition to a cement factory. Forty-three community members are arrested during the state of emergency. In 2013, during the inauguration of the controversial project, hundreds of soldiers are again deployed, as thousands march in peaceful protest.

Citizens in all three of the affected areas suffered threats and harassment by soldiers, theft and destruction of personal belongings, and denounced the use of martial law as a cover to execute dozens of arrest warrants without due process.

The increased use of the military and martial law have re-traumatized communities that, just a few decades ago, experienced violent repression by state forces.

Furthermore, these heavy-handed tactics have had deadly consequences. A tragic example occurred in October 2012, when the Guatemalan army gunned down six indigenous protesters in Totonicapán and injured at least 30 more. The victims were part of a peaceful protest against unpopular government reforms.

### **Militarization Has Not Decreased Violence**

Aside from the concerns addressed above – impunity for the military’s crimes during the war, the evidence of infiltration and coordination with organized crime at the highest levels, and a pattern of repression against social movements – a simple fact remains: the militarization of public security has failed to reduce crime and violence in Guatemala.

After dramatic increases in rates of violence between 2000 and 2009, the homicide rate leveled off in 2010 and fell in 2011-12. This is due to an effective Attorney General, important judicial reforms, and support from the U.N.-backed Commission against Impunity in Guatemala (CICIG). Yet a year after President Pérez Molina took office and re-militarized the country, violence began to increase again; in the first quarter of 2013, the murder rate grew 10% over the previous year.<sup>93</sup>

High rates of generalized violence are compounded by an increase in targeted attacks against human rights defenders: attacks registered in 2013 (through October) showed a 52% increase over 2011. Forty-three human rights defenders have been assassinated in 2013; at least 18 appear to have been directly targeted because of their work. This is a 40% increase from 2012, which, with 13 recorded assassinations of defenders, was already the most violent year on record.<sup>94</sup>

### **US Policy Reinforces Militarization of Public Security**

Due to concerns about human rights violations and impunity, the U.S. Congress has restricted military aid to Guatemala through the Foreign Operations Appropriations since 1977. Currently, FMF and IMET funding cannot go to the Guatemalan Army. Congress stipulates that funding to the army will only be considered in the future if the army can show “a narrowly defined mission focused on border security and

external threats, cooperation with civilian investigations and prosecutions of cases involving current and retired officers.”<sup>95</sup>

As we have shown, these conditions have not been met. Nevertheless, U.S. support and direct military involvement in the region continue. And while the United States has admonished Guatemala for using the military for policing and public security, ongoing U.S. funding contradicts those statements, particularly in light of the millions of dollars of U.S. funding and equipment currently flowing from the Department of Defense (DOD) to Guatemala.

In fact, although DOD contracts (excluding fuel purchase contracts) in Latin America as a whole decreased in 2012, the contracts for that year in Guatemala —nearly \$14 million—were seven times higher than in 2009.<sup>96</sup>

The U.S. Southern Command has purchased 48 jeeps and 8 Boston whalers, presumably for interdiction efforts, and has spent more than \$2.8 million on Harris military radios since 2011. In 2010, more than \$15 million in military aid went to Guatemala, including \$9 million for intelligence analysis, training, boats, trucks, night vision devices, and a “base of operations.”<sup>97</sup> These contracts include support for the Kaibil Special Forces, discussed above. For example, in 2011, the U.S. Marines trained Kaibiles in hand-to-hand combat and “nonlethal” crowd control techniques to quell riots and protests. U.S. funds have also gone to support improvements to the Kaibil barracks and a shoot house.<sup>98</sup>

Last year, the U.S. even sent uniformed troops to Guatemala. A bilateral agreement was signed in July 2012 as part of Operation Martillo, that allowed approximately 200 U.S. marines and military contractors to be stationed in Guatemala for 120 days and to participate in counter-narcotics missions.<sup>99</sup>

The Central American Regional Security Initiative (CARSI) provides non-military funding for narcotics interdiction and law enforcement.<sup>100</sup> Yet due to Guatemala’s widespread use of joint forces and limited police capacity, many CARSI programs ultimately reinforce a militarized security model.

A perfect example of this overlap can be seen in the new Guatemalan Inter-Agency Task Force based in Tecun Uman, San Marcos, which includes both army and

police. The base has received funding from CARSI and the DOD, and the Task Force was trained by U.S. Army South, Army National Guard Soldiers from Texas, U.S. Border Service and the Western Hemisphere Institute for Security Cooperation. According to the U.S. Army, the task force “will conduct security operations throughout Guatemala via patrols, checkpoints, control of border points of entry, enforcement of judicial resolutions, and enforcement of legal orders.”<sup>101</sup>

As long as the Guatemalan government can count on continued U.S. support, there is little incentive to change domestic militarization policies that have led to human rights abuses. Instead, ongoing U.S. funding, trainings, and the emphasis on military support to combat organized crime, all directly undermine the effectiveness of the military ban and exacerbate the blurred line between the roles of the police and military in Guatemala.

### Policy Recommendations

A militarized approach to security has not led to a decrease in criminal activity or violence; instead, it has led to increased repression, human rights violations, and has debilitated Guatemala’s transitional justice process.

The U.S. Congress should:

- Maintain the current restrictions on military funding through Foreign Operations Appropriations.
- Withhold all DOD funding to the Guatemalan Army and Kaibil special forces until human rights conditions listed in the Foreign Operations Appropriations Report are satisfied.
- Ensure the effective application of the Leahy Law, prohibiting funding to units and individuals involved in human rights violations.
- Prioritize support for justice-sector strengthening, including funds to increase the investigative capacity of the Public Prosecutor’s Office, provide protection for judges, prosecutors and witnesses, and for the CICIG.
- Increase support for human rights defenders. The \$2 million appropriated to support human rights defenders through the “Instancia” and other specialized offices has had little positive impact. These funds should be reassessed to ensure they are

benefiting defenders at risk, such as community leaders, justice sector workers, and other human rights activists.

- Address organized crime not with military support, but through prosecution as well as transnational anti-money laundering efforts and gun-control initiatives.

The U.S. government should:

- Encourage and support trials for crimes of the past, including sexual violence, massacres, forced disappearances, genocide and other crimes against humanity.
- Show strong public support for an independent judiciary, an effective Attorney General and the CICIG.
- Strongly discourage the Guatemalan government from using the military to carry out police duties.

# Honduras

*By Rights Action*

In 2008, the US State Department launched the Central America Regional Security Initiative (CARSI), originally part of the Merida Initiative. Shortly after its launch, a military coup d'état occurred on June 28, 2009 that generated a massive upsurge in human rights violations, and violence grew dramatically. A series of new intelligence agencies were created alongside the militarization of policing. Security forces have cracked down on communities who defend legitimate land rights. As the Nov. 24, 2013 general elections approach, militarization has cast a shadow over the campaign.

## Challenges

When the Merida Initiative was launched in Central America in 2008 with the goal to “create safe streets for citizens in the region,”<sup>102</sup> homicide rates in Honduras were 58 per 100,000 residents.<sup>103</sup> By 2012 Honduras had the highest murder rate in the world, 85 per 100,000,<sup>104</sup> coupled with an 80% impunity rate.<sup>105</sup>

Along with the growth in violence, Honduras has become an increasingly repressive state which has allowed security forces far-reaching capacities to act, unchecked by the dysfunctional judiciary. State agencies consistently act outside of the boundaries established by law. Security and justice operators take direction from actors outside the justice system, such as organized crime bosses, and carry out illegal activities, such as extrajudicial executions and what has come to be called in Honduras “judicial hits” (*sicariato judicial*), biased prosecutions intended to benefit the interests of influential economic and political figures.

The violence is generally attributed to organized crime activity, particularly drug trafficking. The response of the international community, with strong leadership from the United States, has been to assist the Honduran state in the militarization of security operations with an intelligence focus in partnership with SICA's Central America Regional Security Strategy.

Given the challenges of implementing the Merida Initiative, an 8-nation security initiative modeled after Plan Colombia that originally included Mexico and Central America, the State Department launched a security dialog with the Central American Integration

System (SICA). During the dialog's third meeting in 2010, then Assistant Secretary of State Arturo Valenzuela announced the creation of CARSI, separating Central America from the Merida Initiative.<sup>106</sup>

The SICA/ State Department dialog on security led to the creation of SICA's Central American Regional Security Strategy, supported by a group of friendly nations and multilateral institutions, with particularly strong backing from the Inter-American Development Bank. Under the leadership of Secretary of State Hillary Clinton, the SICA Strategy became operational in a pivotal June 2011 SICA meeting in Guatemala City. In this meeting the group of friends pledged financial support, largely multilateral development bank loans,<sup>107</sup> alongside proposing for the creation of new taxes dedicated to funding security initiatives in each of the Central American nations.<sup>108</sup>

## Scandals

Shortly after the pivotal June 2011 SICA meeting, a long, drawn-out police violence scandal erupted in Honduras following the October 22, 2011 murder by police of two university students, including the son of the rector of the national university. Apparently in response, on October 26, President Lobo announced he was sending the military to patrol the streets,<sup>109</sup> and on December 5, 2011 an emergency decree was declared granting the military the ability to patrol without police and carry out searched and arrests. On December 9, 2011, the National Security and Defense Council (CNDS) was created, the day after a new wiretapping law was passed in a closed session of congress.<sup>110</sup>

On November 3, 2011 the Police Career Investigation and Evaluation Direction (DIECP) was created to screen and purge police officers, its first action to intervene in the police implicated in the university student killings. Beginning in early June, the US Embassy strongly backed the DIECP screenings, conducting polygraph tests.

The police violence scandal's flames were fanned by the nomination of Juan Carlos “El Tigre” Bonilla as Director of the National Police on May 22, 2012. Bonilla was already well known in Honduras, he had been implicated in death squad activity by a 2002 internal police investigation. The investigator found that the killings attributed to Bonilla were carried out not to clean the streets of hardened criminals, but rather to protect the identity of the intellectual authors of the



kidnapping of congressmen Reginaldo Panting and other crimes by eliminating the material authors, essentially eliminating witnesses.<sup>111</sup> In the months following Bonilla's appointment, a rash of death squad style killings occurred around the country.<sup>112</sup>

The DIECP police reform process has been widely deemed a failure after screening carried out from June to December 2012 led to just 33 suspensions, out of 11,000 officers, which were then blocked by the Supreme Court in December 2012. The DIECP screening process was further discredited on January 28, 2013 when the mothers of the two university students murdered on October 22, 2011, cornered on television the chief of the Granja police station, Rommel Martinez, who had helped the officers charged with double murder to escape. In scrambling to defend himself he claimed he was protected by National Police Director El Tigre Bonilla, who had shielded him from polygraph testing and transferred him to the newly created National Directorate of Investigations and Intelligence (DNII).<sup>113</sup> Then, on February 17, 2013, the teenage son Ricardo Ramirez del Cid, Bonilla's predecessor as Director of National Police, was killed in a Tegucigalpa restaurant. Ramirez del Cid had access to a witness injured in the attack, who attributed the killing to a death squad linked to the gangs, police and military, and named "El Tigre" Bonilla, present in the area throughout the operation, as the intellectual author.

### U.S. Support

Despite the scandals, the US and the international community continued to work with the Honduran security forces. A US\$60 million IDB loan is focused on the creation of intelligence and special operations policing units under command of both the police and military, agencies subordinate to the National Directorate of Investigations and Intelligence (DNII) created on May 22, 2012, just hours after "El Tigre" Bonilla was sworn into office, to centralize military and police intelligence.<sup>114</sup> In June 2012 the law establishing the TIGRES intelligence policing troop, a hybrid military and police unit, was presented to congress. This proposal to meld police and military met with strong opposition, and the TIGRES law did not pass until June 4, 2013<sup>115</sup> when a greatly revised version of the law made the TIGRES wholly a dependency of the National Police.<sup>116</sup> However, on August 21, 2013, a law constituting the Military Police for Public Order (PMOP) was passed, which was mandated to collaborate with the TIGRES.<sup>117</sup>

Both the PMOP and the TIGRES operate with embedded public prosecutors and judges.<sup>118</sup> The Military Police law permits the embedded judges to participate in hearings remotely over the internet, even while located outside of the country. The PMOP judges were named in violation of the legal framework for the appointment of judges.<sup>119</sup>

These measures are justified as necessary to combat the high levels of violence and organized crime, though local human rights activists frequently point out that the statistics reported above and reports from the field demonstrate that rather than reducing levels of violence, the increased presence of the security forces in certain areas has been accompanied by an increase in violence. While CARSI's principal objective of lowering violence has not been achieved, it is becoming clear that the security initiatives engendered under the framework of CARSI and the SICA Strategy are promoting an objective not articulated in CARSI. They define the State's economic development agenda as a matter of national security, making reference to a 28 year national development "vision" passed into law in December of 2009 under the government of de facto president Roberto Micheletti who took power under the illegal coup.<sup>120</sup> This "Plan de Nación" promotes an economic development plan focused on building the national economy based on the textile industry, tourism, mineral exploitation, electrical energy generation, and logging.<sup>121</sup>

This mandate places the security initiatives squarely at odds with the sector of the Honduran population that became mobilized following the June 2009 coup. The reaction against the coup was massive, generating protests every day for over five months following the coup, including several protests with well over 100,000 participants, even amidst brutal repression.

### Resource Control

Following the June 2009 coup, a series of measures were undertaken by many of the same people who had backed the coup, measures intended to consolidate control of national resources including the removal of the moratorium on exploitation of new mining concessions, the granting of dozens of hydroelectric concessions, annulment of laws to protect campesino communities attempting to reconcile land rights conflicts with agrobusinesses, among many other measures. These initiatives, like the coup itself, generated protests against the impact these actions had in communities.

Social protest has been subject to extreme repression, particularly surrounding land and resource rights conflicts. In the Bajo Aguan Valley alone, where decades long conflicts between cooperatives and palm oil agro-businessmen has been accompanied by approximately 115 death squad killings, some of which were attributed directly to State security forces while many others to assassins protected by the State. This is the area where the Honduran military special-forces training center is located, the 15<sup>th</sup> Battalion's base in Rio Claro. The US Special Operations Command South has trained troops on the Rio Claro base since January 2010; reports explain that the soldiers trained there participate in policing actions in Tegucigalpa and San Pedro Sula.<sup>122</sup>

The more recent conflict in the Rio Blanco region of Intibuca between Lenca communities and a hydroelectric corporation, DESA, led to the killing of one community land rights defender by the military while three internationally renowned indigenous activists are being prosecuted on charges of 'instigating' a protest. On August 25, 3 Tolupan indigenous villagers protesting a mine, the Guan Guan dam and logging in Locomapa, Yoro were massacred, their assassins are protected by area police. On July 25, international human rights observers visiting the Nueva Esperanza community in Arizona, Atlantida were briefly kidnapped by masked paramilitaries who have been intimidating area residents into selling their lands, coercion to make way for the Las Victorias iron mine. The paramilitaries are protected by area police.<sup>123</sup> The community's lawyer is now under investigation by public prosecutors due to his defense of the communities rights.

The protest movement eventually led to the creation of the Libertad y Refundacion, LIBRE, political party, the first party to present a significant challenge to the two parties which have managed the Honduran political system since civilian elections began. The presidential candidate, Xiomara Castro, wife of former president Manuel Zelaya, is leading the polls. The high degree of social mobilization is reflected in the anticipated turnout for the November 24 general elections. One survey found that over 80% interviewees claimed they intended to vote,<sup>124</sup> a marked shift in a country that has historically had low voter participation. Although the opposition LIBRE party has organized 32,000 observers to be present at the 16,000 voting tables in the nation it is feared that if early voting returns show an early lead by the LIBRE party, violence could erupt and prevent supporters from accessing the polls, and that fraud could occur in the tabulation of the table acts.

The new Military Police and TIGRES, debuting just weeks before the elections,<sup>125</sup> are perceived as a form of interference in the electoral process. October 14 the Military Police debuted operations in the Flor del Campo neighborhood of Tegucigalpa, just one week later Military Police burst into the home of a local opposition movement leader with a warrant claiming it was the home of a LIBRE leader who had guns. Though no guns were found, the search did damage, false rumors are now reported to associate Espinal with drug trafficking.<sup>126</sup>

CARSI and related security funding focus resources on training and equipment for criminal investigations based on the premise that that the poor performance in criminal investigation is the result of lack of training, lack of equipment and poor inter agency coordination. This premise is clearly flawed, as scandal after scandal demonstrates that the reasons for the extreme impunity rates rest in the lack of political will to make the reforms necessary to end impunity. Functionaries and politicians on all levels of government benefit from and protect impunity for crimes.

Human rights organizations insist that the military does not belong in policing. The creation of intelligence units at the service of deeply corrupted security agencies in the conditions that exist in Honduras is a recipe for disaster. The units are already used for repression of political opposition and against communities who defend legitimate land and other rights against the interests of those who control the networks of impunity.

Expanded powers for security forces lead to particularly grave violations when there is no functional justice system to protect the rights of the population. Proposals to improve the independence of judges and prosecuting attorneys are being championed by justice reform advocates, but these initiatives have not received the support they deserve. Judges and public prosecutors who advocate for reform have been summarily fired, moved to marginal positions where they cannot combat impunity and even killed, attacked and threatened. The security crisis in Honduras is a severe, but support for militarization at this critical juncture is contrary to the stated objectives of CARSI. Security initiatives cannot be successfully advanced without first demonstrated improvements in the independence of the judiciary.

### **Policy Recommendations:**

- The United States should end all assistance to the police and military in Honduras until significant improvements in ending impunity and the strengthening of the judiciary have been demonstrated.
- Given the United States leadership role in SICA's Central American Region Security Strategy and in the multilateral development banks, the United States must promote an end to assistance the militarized policing strategies, particularly the IDB's \$60 million Citizen Security loan until advances in justice reform and a reduction in impunity have been clearly demonstrated.
- The United States should advocate for a permanent presence of a United Nations technical mission and/ or office of the UN High Commissioner of Human Rights to monitor and promote advances in the justice reform and combating impunity.
- The State Department must consistently speak out against attacks on human rights defenders and those who advocate for alternative development strategies.
- Private sector interests must be held responsible for crimes against related to their investments, and the United States must vote against multilateral development bank loans to or in Honduras that could impact the fundamental rights of Hondurans impacted by the investment.

# About the Participating Organizations

## **CIP Americas Program**

The Americas Program is an independent think-tank based in Mexico City and affiliated with the Center for International Policy. The Americas Program seeks to change U.S. foreign policy that negatively impacts Latin America and strengthen ties among social justice movements between Latin America and the United States.

## **Drug Policy Alliance (DPA)**

DPA is the nation's leading organization promoting drug policies that are grounded in science, compassion, health and human rights.

## **Guatemala Human Rights Commission/USA**

The Guatemala Human Rights Commission/USA (GHRC) is a non-profit, grassroots, solidarity organization dedicated to promoting human rights in Guatemala and supporting communities and activists who face threats and violence. GHRC documents and denounces abuses, educates the international community, and advocates for policies that foster peace and justice.

## **The Fellowship of Reconciliation (FOR)**

The Fellowship of Reconciliation is an interfaith organization that organizes and trains to grow a diverse movement of people of conscience to end structures of violence and war, and create peace through the transformative power of nonviolence. FOR has accompanied communities threatened by violence in Colombia and Mexico, and published extensively on the human rights impacts of the drug war in Latin America ([forusa.org](http://forusa.org)).

## **JASS (Just Associates)**

JASS (Just Associates) is an international women's rights organization dedicated to strengthening women activists' leadership and movements on a range of justice issues. Grounded by regional networks in Mesoamerica, Southern Africa, and Southeast Asia, JASS is both deeply responsive to the needs of frontlines activists, and able to foster global solidarity and action to amplify their efforts.

## **Rights Action**

Through documentation, outreach, advocacy and funding, Rights Action supports communities in defense

of fundamental rights, focusing on identifying the responsibility of policies and actions by US and Canadian governments and corporations in human rights violations.

## **School of the Americas Watch**

School of the Americas Watch represents a large, diverse, grassroots rooted in solidarity with the people of Latin America. The goal of SOA Watch is to close the SOA/WHINSEC, oppose militarization in Latin America, and change U.S. foreign policy in the region by educating the public, lobbying Congress and participating in creative, nonviolent resistance.

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- <sup>61</sup> Customs and Border Patrol, Illegal Alien Apprehensions From Countries Other Than Mexico By Fiscal Year. (last accessed 11/05 at [http://www.cbp.gov/xp/cgov/border\\_security/border\\_patrol/usbp\\_statistics/usbp\\_fy12\\_stats/](http://www.cbp.gov/xp/cgov/border_security/border_patrol/usbp_statistics/usbp_fy12_stats/))
- <sup>62</sup> Washington Post, “In rural Honduras, the northward pull is strong”. August 5, 2013. (last accessed 11/06/13 at <http://wapo.st/150aK0b>)
- <sup>63</sup> Washington Post, “In rural Honduras, the northward pull is strong”
- <sup>64</sup> Executive Office for Immigration Review, Asylum Statistics by Nationality. (last accessed 11/07/13 at <http://www.justice.gov/eoir/efoia/foiafreq.htm>)
- <sup>65</sup> Marc C. Rosenblum, Congressional Research Service, “Border Security: Immigration Enforcement Between Ports of Entry.” (May 3, 2013). (accessed at <http://www.fas.org/sgp/crs/homesecc/R42138.pdf>)
- <sup>66</sup> The Center for Latin American Studies at the University of Arizona, “In the Shadow of the Wall: Family Separation, Immigration Enforcement and Security: Preliminary Data from the Migrant Border Crossing Study” (March 27, 2013) (accessed at [http://las.arizona.edu/sites/las.arizona.edu/files/UA\\_Immigration\\_Report2013web.pdf](http://las.arizona.edu/sites/las.arizona.edu/files/UA_Immigration_Report2013web.pdf))
- <sup>67</sup> The first operation was launched in Calderon’s home state of Michoacán (see Sara Miller Llana, Mexican Army Invades Pot Plantations, USA Today (Dec. 21, 2006), [http://www.usatoday.com/news/world/2006-12-21-mexico-drug-effort\\_x.htm](http://www.usatoday.com/news/world/2006-12-21-mexico-drug-effort_x.htm)). Ironically, today Michoacan has again been occupied by the military in the midst of another cycle of violence.
- <sup>68</sup> With data from Molly Molloy <http://blog.chron.com/bakerblog/2013/10/is-drug-related-violence-in-mexico-on-the-decline/>
- <sup>69</sup> This figure is the most frequently cited, for example, in the 2012 Stratfor annual report on Mexican drug cartels, see [www.stratfor.com/analysis/polarization-and-sustained-violence-mexicos-cartel-war](http://www.stratfor.com/analysis/polarization-and-sustained-violence-mexicos-cartel-war)
- <sup>70</sup> See the most recent case of the port of Lazaro Cardenas, Michoacan CNN “Mexican troops take control of key port” <http://www.cnn.com/2013/11/05/world/americas/mexico-troops-to-port/>
- <sup>71</sup> Silvia Otero, Por DH, Sedena Recibe 4 Quejas al Día: Informe, El Universal (July 3, 2011), <http://www.eluniversal.com.mx/nacion/186760.html>.
- <sup>72</sup> Randal Archibold, Mexican General is Charged in Killing and Abuses, NYTimes (Feb. 1, 2012), available at <http://www.nytimes.com/2012/02/02/world/americas/mexican-general-charged-in-border-town-atrocities.html?src=un&feedurl=http%3A%2F%2Fjson8.nytimes.com%2Fpages%2Fworld%2Famericas%2Findex.json>
- <sup>73</sup> Human Rights Watch, Neither Rights, Nor Security: Killings, Torture and Disappearances in Mexico’s “War on Drugs” 167 (Nov. 2011), available at <http://www.hrw.org/reports/2011/11/09/neither-rights-nor-security-0>.
- <sup>74</sup> Radilla Pacheco v. Mexico, Preliminary Exceptions, Background, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No. 209, ¶ 13 (Nov. 23, 2009).
- <sup>75</sup> Human Rights Watch, Mexico: Ruling Affirms Obligation for Military Justice Reform, UNHCR (Jul. 6, 2001), <http://www.unhcr.org/refworld/publisher,HRW,,MEX,4e327cc52,0.html>.
- <sup>76</sup> <http://www.eluniversal.com.mx/notas/689120.html>
- <sup>77</sup> U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond Clare Ribando Seelke, Kristin M. Finklea January 14, 2013
- <sup>78</sup> DHS, United States-Mexico Bi-National Criminal Proceeds Study, June 2010.
- <sup>79</sup> Op cit., CRS 2013, p. 22
- <sup>80</sup> GAO Report, July 2010, “MÉRIDA INITIATIVE: The United States Has Provided Counternarcotics and Anticrime Support but Needs Better Performance Measures”
- <sup>81</sup> World Bank, cited at: [http://money.cnn.com/2011/11/08/news/economy/global\\_income\\_inequality/index.htm](http://money.cnn.com/2011/11/08/news/economy/global_income_inequality/index.htm).
- <sup>82</sup> *Guatemala: Memory of Silence*, Report of the Commission for Historical Clarification and Recommendations (CEH) (March 1999) Available online at [http://shr.aas.org/projects/human\\_rights/guatemala/ceh/mos\\_en.pdf](http://shr.aas.org/projects/human_rights/guatemala/ceh/mos_en.pdf), p. 42.
- <sup>83</sup> *Ibid.*, Chapter 1, para. 15
- <sup>84</sup> This information is available in reports from the time published by Human Rights Watch, Amnesty International, Guatemala Human Rights Commission/USA, Time Magazine, as well as newspaper headlines from Guatemalan daily papers and now-declassified U.S. documents, available online at the National Security Archive, <http://www2.gwu.edu/~nsarchiv/guatemala/>.
- <sup>85</sup> CNA, “Criminal Organizations and Illicit Trafficking in Guatemala’s Border Communities.” Ralph Espach, Javier Melendez Quinonez, Daniel Haering, and Miguel Castillo Giron. CNA Analysis and Solutions, December 2011.:<http://www.cna.org/solution-centers/cnas-center-naval-analyses/strategic-studies/latin-american>, p. 14.
- <sup>86</sup> See [www.cicig.org](http://www.cicig.org).
- <sup>87</sup> Espach, Ralph, Melendez Quiñonez, Javier, Haering, Daniel and Castillo Girón, Miguel, *Criminal Organizations and Illicit Trafficking in Guatemala’s Border Communities*, CNA Analysis and Solutions, December 2011,p. 14. <http://www.cna.org/solution-centers/cnas-center-naval-analyses/strategic-studies/latin-american>
- <sup>88</sup> According to reports by PrensaLibre, between July 2007 and January 2008, 554 weapons were taken from the Mariscal Zavala military base in Guatemala City; a report in March 2009 by journalist Julie Lopez reported that the Public Prosecutor’s Office and former President Colom confirmed that weapons were found in a training camp believed to be run by the Zetas

in northern Guatemala. Some of the stolen weapons were also found in a warehouse operated by the Zetas in Amatitlán in late April 2009. In 2010, the Guatemalan daily *El Periódico* reported that nearly 27,000 weapons were illegally removed from a military warehouse and sold to Century International Arms and to Monzer Al Kassar, an international weapons trafficker. In September 2013 it was reported that 1,449 grenades went “missing” from a military base in the Petén. [http://www.prensalibre.com/politica/Granadas-Ejercito-Peten-Comando\\_Aereo\\_0\\_998300388.html](http://www.prensalibre.com/politica/Granadas-Ejercito-Peten-Comando_Aereo_0_998300388.html)

<sup>89</sup> In 2010, a number of the Zetas arrested after the massacre of 72 migrants in the Mexican state of Tamaulipas were found to be former Kaibiles from Guatemala. See: <http://migrationdeclassified.wordpress.com/2013/11/04/secs-of-the-tamaulipas-massacres-come-to-light-in-proceso-magazine/>. In May 2011, an ex-Kaibil was charged with having commanded and participated in a massacre in which 27 farm workers were brutally beheaded in Northern Guatemala. See CNN “Guatemala’s President Declares ‘Stage of Siege’ After ‘Massacre’” [http://articles.cnn.com/2011-05-17/world/guatemala.violence\\_1\\_zetas-drug-gang-members-drug-cartel?s=PM:WORLD](http://articles.cnn.com/2011-05-17/world/guatemala.violence_1_zetas-drug-gang-members-drug-cartel?s=PM:WORLD). In the same month, the Governor of the State of Tabasco, Mexico, reported that ex-Kaibiles were responsible for the killing in a Cardenas auto shop which left ten people dead. See: “Guatemala Ex-Special Forces Arrested Over Mexico Massacre.” <http://insightcrime.org/insight-latest-news/item/967-guatemala-ex-special-forces-arrested-over-mexico-massacre>. See also: “Kaibiles, autores de la masacre en Tabasco, afirma Granier”. [http://www.excelsior.com.mx/index.php?m=nota&id\\_notas=739060](http://www.excelsior.com.mx/index.php?m=nota&id_notas=739060).

<sup>90</sup> Guatemala Country Report on Human Rights Practices. Bureau of Democracy, Human Rights, and Labor, Western Hemisphere. (2012.)

<sup>91</sup> “Pérez Molina insta al Ejército a ‘neutralizar’ al crimen organizado”, CNN México, 16 January 2012. Accessed online 3 Nov. 2013 at <http://mexico.cnn.com/mundo/2012/01/16/perez-molina-insta-al-ejercito-a-neutralizar-al-crimen-organizado>.

<sup>92</sup> Statistics presented by Commissioner Dinah Shelton during a hearing at the Inter-American Commission on Human Rights, October 28, 2013. Video recording available at <https://www.youtube.com/watch?v=Z81hmaUcolk>.

<sup>93</sup> “Asesinatos Aumentan Casi 10% en Primer Trimestre,” *El Periódico*, April 3, 2013, accessed May 10, 2013, <http://www.elperiodico.com.gt/es/20130403/pais/226599/>.

<sup>94</sup> “Situation of Human Rights Defenders,” UDEFEGUA, October 2013.

<sup>95</sup> Conditions also include cooperation with the CICIG, and public disclosure of all military archives pertaining to the internal armed conflict. See the Consolidated Appropriations Act of 2012 (P.L. 112-74) and accompanying report language.

<sup>96</sup> “Pentagon Continues Contracting US Companies in Latin America,” by John Lindsay-Poland, January 31, 2013. Available online at: <http://forusa.org/blogs/john-lindsay-poland/pentagon-continues-contracting-us-companies-latin-america/11782>.

<sup>97</sup> *Ibid.*

<sup>98</sup> *Ibid.*

<sup>99</sup> “Agreement through Exchange of Letters between the Government of the Republic of Guatemala and the Government of the United States of America, in Reference to Operation Martillo”, July 16, 17 of 2012. Published August 20, 2012 as “No 18. Tomo CCXCV.” The presence of the U.S. military was approved by the President without seeking Congressional approval, as required by the Guatemalan constitution.

<sup>100</sup> See “Central America Regional Security Initiative: Background and Policy Issues for Congress,” Congressional Research Service, May 7, 2013. Accessible online at <http://www.fas.org/sgp/crs/row/R41731.pdf>.

<sup>101</sup> “US Army Supports New Guatemalan Inter-Agency Task Force,” Stand-To!, July 5, 2013.

[http://www.army.mil/standto/archive\\_2013-07-05/](http://www.army.mil/standto/archive_2013-07-05/)

<sup>102</sup> <http://gao.gov/assets/660/658145.pdf>

<sup>103</sup> <http://multimedia.laprensagrafica.com/pdf/2011/03/20110322-PDF-Informe-0311-Homicidios-en-Centroamerica.pdf>

<sup>104</sup> <http://www.elheraldo.hn/Secciones-Principales/Pais/Honduras-Tasa-de-homicidios-fue-de-85.5-por-cada-100-mil-habitantes>

<sup>105</sup> [http://www.prensalibre.com.gt/internacional/Honduras-policia-violencia-Congreso\\_0\\_899310144.html](http://www.prensalibre.com.gt/internacional/Honduras-policia-violencia-Congreso_0_899310144.html)

<sup>106</sup> <http://www.state.gov/p/wha/rls/rm/2010/142039.htm>

<sup>107</sup> <http://www.state.gov/secretary/rm/2011/06/166733.htm> ; <http://www.brookings.edu/research/opinions/2011/06/30-central-america-casazamora>

<sup>108</sup> <http://www.s21.com.gt/pulso/2011/08/05/analizaran-impuesto-seguridad> ;

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<sup>109</sup> [http://www.prensalibre.com/internacional/Presidente-Honduras-Operacion-Relampago-criminalidad\\_0\\_579542262.html](http://www.prensalibre.com/internacional/Presidente-Honduras-Operacion-Relampago-criminalidad_0_579542262.html)

<sup>110</sup> <http://www.americaeconomia.com/politica-sociedad/politica/honduras-entra-en-vigencia-ley-de-escuchas-telefonicas> ;

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