

RESPONDING TO VIOLENCE IN CENTRAL AMERICA

A REPORT

BY THE

UNITED STATES SENATE CAUCUS
ON
INTERNATIONAL NARCOTICS CONTROL

ONE HUNDRED TWELFTH CONGRESS
FIRST SESSION

SEPTEMBER 2011



<http://drugcaucus.senate.gov>

WASHINGTON, D.C.

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LETTER OF TRANSMITTAL

UNITED STATES SENATE
CAUCUS ON INTERNATIONAL NARCOTICS CONTROL
Washington, DC

September 2011

Dear Colleague:

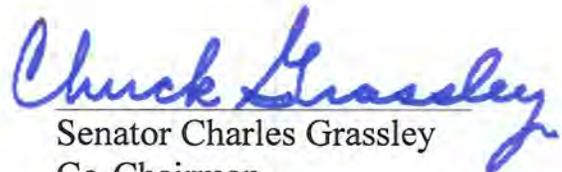
Violence in Central America has reached crisis levels. Throughout Central America, Mexican drug trafficking organizations, local drug traffickers, transnational youth gangs, and other illegal criminal networks are taking advantage of weak governance and underperforming justice systems. This report outlines a series of concrete steps that the United States can take to support the seven countries of Central America as they try to improve security. The report does not call for large amounts of new money but instead recommends investments in key programs with host country partners.

Our report synthesizes information gathered by Caucus staff through visits to Guatemala and Honduras, briefings, interviews, and a review of documents from both government and non-government subject matter experts. The report describes the current strategy and provides important recommendations for policymakers in Congress and the Administration.

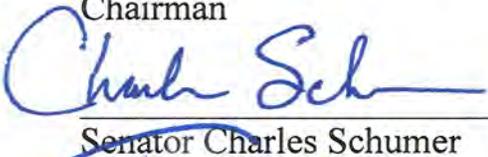
Sincerely,



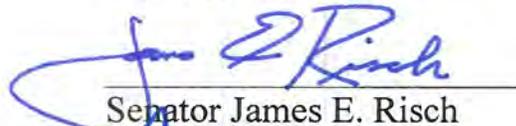
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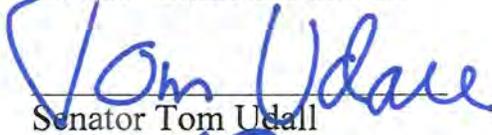
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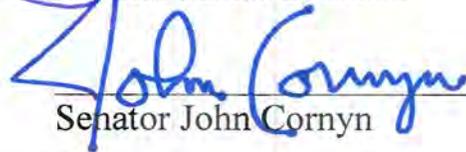
Senator Charles Schumer



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Senator Sheldon Whitehouse

Executive Summary¹

Violence in Central America – particularly in the northern triangle countries of Guatemala, Honduras and El Salvador – has grown out of control. In Honduras, there were 77 murders per 100,000 inhabitants in 2010. El Salvador and Guatemala were not far behind with 66 and 50 murders per 100,000 people. As a point of comparison, just to the north in Mexico, there were 18 murders per 100,000 people in 2010.² While reports of drug-related violence in Mexico continue to be front and center in the press, Central America does not receive adequate attention.

Like Mexico, Central America's location between the world's largest producers of illicit drugs in South America and the world's largest drug consuming nation in the United States makes it particularly vulnerable to drug traffickers. As Mexican President Felipe Calderón has cracked down on drug trafficking organizations in his country, these groups have increased their presence in Central America. Mexican drug trafficking organizations – particularly the Zetas and the Sinaloa and Gulf Cartels – have moved into Central America because it is a “business friendly” environment with weak governance and virtual freedom from prosecution. In fact, General Douglas Fraser, the Commander of U.S. Southern Command, stated at a March 30, 2011 Department of Defense news conference that “the northern triangle of Central America – Guatemala, El Salvador, Honduras – has become probably the deadliest zone in the world outside of ... active war zones in Iraq and Afghanistan and others around the world.”³

Unfortunately, violence in Central America is not only carried out by drug trafficking organizations. Transnational youth gang members in Central America – numbering around 70,000 – are particularly active in El Salvador, Guatemala and Honduras. Other illegal criminal networks – including mafia-like groups – are active throughout Central America and are sometimes linked closely to elites, including current and former military and government officials.

Through the Central America Regional Security Initiative (CARSI), the United States has provided \$361.5 million in security assistance over four years to our partners in Central America. While future U.S. assistance will be important, given the current fiscal climate in Washington, there must also be an increased emphasis on strengthening Central American nations' internal funding sources and finding additional donors from the private sector, international financial institutions and other donor countries. The Caucus encourages the countries of

Central America to generate and allocate more resources for all aspects of security in their countries – from enforcement to justice and police reform to crime prevention programs.

The Caucus believes that security in Central America must become a greater priority across all U.S. government agencies. At the same time, this report does not call for large amounts of new foreign aid. Instead, the report encourages the State Department and U.S. law enforcement agencies to focus on key programs that have proven to be effective both in Central America and in other areas of the world. It also encourages institutional reform and improved legal frameworks in Central American countries.

The Caucus calls for a two-track approach to U.S. assistance to Central America focusing in the short term on highly vetted law enforcement and judicial units while not losing sight of the long term goal of strengthening institutions. High levels of corruption among law enforcement in the subregion necessitate a short-term focus on highly vetted units.

The report's most important recommendations for the Administration and Congress include:

- Expansion of first-rate, vetted law enforcement units which work with the Drug Enforcement Administration – such as those in Guatemala and Panama – to all seven countries in Central America;
- Elimination of unnecessary red tape by allowing security assistance destined for Central America to be managed directly by each of the U.S. embassies in Central America rather than the U.S. Embassy in Mexico;
- Establishment from existing resources of Narcotics Affairs Sections in U.S. embassies in Central America – particularly in Honduras and El Salvador;
- Increased support for witness, judge and prosecutor protection programs in Central America which would help empower individuals to utilize their countries' justice systems;

- Greater encouragement of extraditions of high-level criminals from Central America to the United States; and
- Collaboration with the countries of Central America to map the causes and sources of violence in the subregion to better understand the interactions between Mexican and local drug trafficking organizations, transnational youth gangs and other illegal criminal networks.

FINDINGS AND RECOMMENDATIONS

1. ***Finding:*** Sensitive Investigative Units are highly trained, vetted law enforcement units that the Drug Enforcement Administration (DEA) trains and collaborates with in select countries throughout the world. In Central America, the DEA only has Sensitive Investigative Unit programs in Guatemala and Panama. In addition to Sensitive Investigative Units, U.S. law enforcement agencies, such as the Federal Bureau of Investigation (FBI), have established other vetted units which work closely with members of the police and Attorney Generals' offices.

While the international community should continue to support the strengthening of all government institutions in Central America, high levels of corruption among law enforcement in the subregion necessitate a short-term focus on vetted units.

Recommendation: To counter the threat of Mexican drug trafficking organizations, transnational youth gangs and other criminal groups in Central America, DEA's current Sensitive Investigative Unit programs in Guatemala and Panama should be expanded to the other five Central American countries. Given high levels of violence in Honduras and El Salvador, with the permission of these countries, Sensitive Investigative Units should be prioritized in these countries. Establishment of Sensitive Investigative Units in Central America would allow for better coordination of complex, multi-country criminal investigations.

Other U.S. law enforcement entities with a presence at U.S. embassies in Central America – including the FBI and Immigrations and Customs Enforcement (ICE) – should continue to enhance their work with locally vetted units from both law enforcement and the Attorney Generals' offices. The DEA should coordinate with other U.S. law enforcement entities to examine the potential for cooperation with existing vetted units in order to leverage existing vetted units without the need for new expenditures.

2. ***Finding:*** A July 2010 report by the Government Accountability Office (GAO) noted that International Narcotics Control and Law Enforcement security assistance destined for Central America is managed by the United States Embassy in Mexico. This creates an extra layer of bureaucracy and slows funding to Central America. According to the report, officials in El Salvador reported that they had to wait several months for clarification on

how to access funds held in Mexico. The report stated that U.S. officials in three Central American countries said that giving their embassies greater control of this funding would “speed up procurement.”

Recommendation: To cut down on unnecessary red tape, security assistance destined for Central America should be managed by each of the embassies in the subregion rather than the U.S. Embassy in Mexico. The State Department should ensure that funding is managed directly by each U.S. embassy in Central America.

3. **Finding:** Currently, only the U.S. embassies in Guatemala and Panama have Narcotics Affairs Sections. Narcotics Affairs Sections provide counternarcotics policy and strategy advice to the U.S. Ambassador and funding and special project support to other U.S. Embassy and government agencies.

Recommendation: If funding, circumstances on the ground and space allows, Narcotics Affairs Sections or a Foreign Service Officer position designated for narcotics strategy and policy should be created in U.S. embassies throughout Central America, particularly in Honduras and El Salvador. Increased U.S. counternarcotics assistance to Central America through the Central America Regional Security Initiative will be best managed through Narcotics Affairs Sections.

4. **Finding:** Extradition from Mexico to the United States has been a critical tool in combating Mexican drug trafficking organizations. Extradition has offered both the U.S. and Mexico an invaluable option for addressing the escalating violence and criminality of Mexican drug trafficking organizations, while ensuring that corruption and security concerns do not impact trial or incarceration. Currently, Honduras, Panama and Costa Rica will not extradite their own nationals to the United States.

Recommendation: The United States should encourage its partners in Central America to enhance the extradition to the United States of their nationals who are involved in international drug trafficking. This would help to create a clear sense of consequences in countries where impunity reigns supreme.

5. **Finding:** Witnesses in Central America are often afraid to testify at hearings because of corruption in the judicial system and fear of retaliation.

Judges and prosecutors are equally afraid to pursue cases against high-profile criminals.

Recommendation: The United States and other donor countries should support witness, judge and prosecutor protection programs in Central America. These programs have proven to be very effective in Colombia. Guaranteeing protection to key officials in the justice system will help reduce impunity in Central America.

6. **Finding:** Judicial reform is desperately needed throughout Central America. Impunity is extremely high in the subregion. For example, the impunity rate in Guatemala is 98 percent.⁴

The United States has provided key support for the United Nations International Commission against Impunity in Guatemala (CICIG) which was created to assist Guatemala in investigating and dismantling violent criminal organizations believed to be responsible for widespread crime and paralysis of the country's justice system. This international commission has assisted in key convictions of members of the Zetas and other illegal criminal networks. For example, in September 2010, 14 leaders of the Zetas were convicted in Guatemala as a result of a United Nations International Commission against Impunity in Guatemala investigation.

Salvadoran President Mauricio Funes recently proposed that the United Nations and the Salvadoran government create an International Commission for the Investigation of Organized Crime in El Salvador.

Recommendation: The U.S. should support countries in Central America as they consider replicating the United Nations International Commission against Impunity in Guatemala model. Given their initiative in creating a similar commission, the Salvadoran government's efforts should be supported by the United States government. With one of the highest murder rates in the world, Honduras should be encouraged to replicate the CICIG.

7. **Finding:** The International Law Enforcement Academy in El Salvador is a training institute for law enforcement officers from Latin America and the Caribbean. It is overseen by the United States and El Salvador.

While the Academy provides important police training courses to officers, it does not do enough to facilitate cooperation between police officers from different countries in Central America.

Recommendation: The International Law Enforcement Academy should concentrate on increasing cooperation between law enforcement officials from different countries in Central America. This will help these countries be better prepared to combat transnational threats.

8. **Finding:** The Government of Belize is substantially under resourced to address the threat of drug trafficking organizations. The country is positioned on the southern border of Mexico affording drug traffickers the capability of land, air and sea smuggling operations.

As government enforcement efforts increase in Guatemala and Honduras, Belize will be negatively affected by the so-called balloon effect that results from pressure in one region causing the drug trade to move to another region.

Recommendation: In providing assistance through the Central America Regional Security Initiative, the State Department should give special consideration to Belize – a country that is extremely vulnerable to Mexican drug trafficking organizations.

9. **Finding:** The Treasury Department’s Office of Technical Assistance provides assistance to financial sectors in countries throughout the world. In Central America, resident advisors from the Office of Technical Assistance are present in Costa Rica, Guatemala and Honduras and support anti-money laundering efforts.

Treasury Department advisors from the Office of Technical Assistance are not present in El Salvador and Panama – two of the main hubs for money laundering in Central America due to their dollarized economies.

Recommendation: The Treasury Department’s Office of Technical Assistance should provide resident advisors to the U.S. embassies in El Salvador and Panama to support anti-money laundering programs. The Office of Technical Assistance should continue to support Central American countries as they implement asset forfeiture laws.

10. ***Finding:*** United States assistance to Central America is important and must be sustained. At the same time, given the current fiscally challenging environment in Washington, efforts must be made to find support from the countries of Central America, other donor countries, international financial institutions, private foundations and the private sector.

On June 22, 2011, the Central American Integration System (SICA) – the economic and political organization formed by the countries of Central America – held the International Conference of Support for the Central American Security Strategy in Guatemala which brought together all donors and was a first step in the right direction.

Recommendation: Given the current fiscal challenges in the United States, the Caucus encourages the nations of Central America to increase their outreach to other donor countries, the private sector, private foundations and international financial institutions to encourage them to provide security assistance.

11. ***Finding:*** While there is a general understanding of the causes of violence in Central America, – Mexican and local drug trafficking organizations, transnational youth gangs and other illegal criminal networks – there is no clear mapping of how these structures engage with each other and where the greatest amount of violence occurs.

Recommendation: The Caucus recommends that the countries of Central America, in collaboration with international donors, quickly map the causes and sources of violence in Central America. Without a clear understanding of the causes and sources of violence, it will be difficult to adequately address the security situation in Central America.

12. ***Finding:*** It is estimated that there are over 70,000 transnational youth gang members in Central America, with an estimated 36,000 in Honduras, 14,000 in Guatemala and 10,500 in El Salvador. The FBI's Transnational Anti-Gang Task Forces in El Salvador and Guatemala have been highly effective in sharing information between the United States and Central America on youth gangs and in assisting with prosecutions in U.S. and Central American courts. While there are Task Forces in El Salvador and Guatemala with permanent FBI agents, there are no permanent agents in Honduras.

Recommendation: With an estimated 36,000 youth gang members – more than any other country in Central America – the FBI should send agents to Honduras to develop a Transnational Anti-Gang Task Force similar to the units that exist in Guatemala and El Salvador.

13. **Finding:** Drug consumption in the United States both creates a challenge for public health in our own country and fuels violence in Central America and throughout Latin America and the Caribbean.

In spite of efforts to increase drug prevention and treatment programs, the United States continues to be the world's largest consumer of illegal drugs. According to the National Survey on Drug Use and Health, in 2010, about 22.6 million Americans aged 12 and older were current (in the past month) illegal drug users, representing 8.9 percent of the population. This represents the largest proportion in the past decade of people aged 12 and older identified as current illegal drug users.

Recommendation: The Caucus recommends that both the executive and legislative branches of the U.S. government examine more effective and efficient ways to reduce the demand for illegal drugs in the United States. To that end, on June 21, 2011, Chairman Feinstein and Co-Chairman Grassley requested that the Government Accountability Office conduct a study to evaluate the successes and shortcomings of congressionally-funded federal drug prevention and treatment programs. The Government Accountability Office accepted this work and a report is anticipated in 2012.

The Caucus also recommends that the Office of National Drug Control Policy's media campaigns illustrate the impact that U.S. drug consumption has on violence in Mexico and throughout Central America.

Overview

Central America's location between the world's largest producers of illicit drugs in South America and the world's largest consuming nation in the United States makes it particularly vulnerable to drug traffickers. As the Mexican government cracks down on drug trafficking organizations, these groups have increased their presence in Central America.

In 2007, less than one percent of cocaine that came to the United States through Mexico transited through Central America. In 2010, 95 percent of all cocaine entering the United States came through Mexico with 60 percent of that cocaine first transiting through Central America.⁵

According to STRATFOR, "From the 1990s until as recently as 2007, traffickers in Mexico received multiton shipments of cocaine from South America."⁶ These were mostly maritime shipments. In recent years, this has changed as land-based drug trafficking through Central America has increased. Traffickers now use Central America for overland smuggling, littoral maritime trafficking and short-distance aerial trafficking as opposed to previous long-range maritime or aerial trafficking to transport cocaine from South America to Mexico.⁷



Source: STRATFOR, February 25, 2011. This graphic is republished with express permission from STRATFOR. More graphics at www.stratfor.com

In September 2010, President Obama designated five of Central America's seven countries as major drug transit countries: Guatemala, Panama, Honduras, Costa Rica and Nicaragua.⁸ This was the first time that Honduras, Costa Rica, and Nicaragua were identified as such by the White House.

Mexican drug trafficking organizations increasingly are breaking drug shipments into smaller loads that pass through Central America before making their way to Mexico and up to the United States. However, aerial shipments also continue to occur, with Honduras being particularly hard hit as traffickers have increased the flights of illegal narcotics going from Venezuela to Honduras.⁹

In the maritime domain, most illicit drugs first stop in Central America before being trafficked through Mexico to the United States. Often, drug traffickers will use smaller, go-fast boats and transit countries' littoral waters. Essentially, this means "hugging the coasts" of countries to avoid U.S. Coast Guard patrols. Go-fast boats carry smaller quantities of drugs but are able to move at high speeds to travel short distances from country to country.

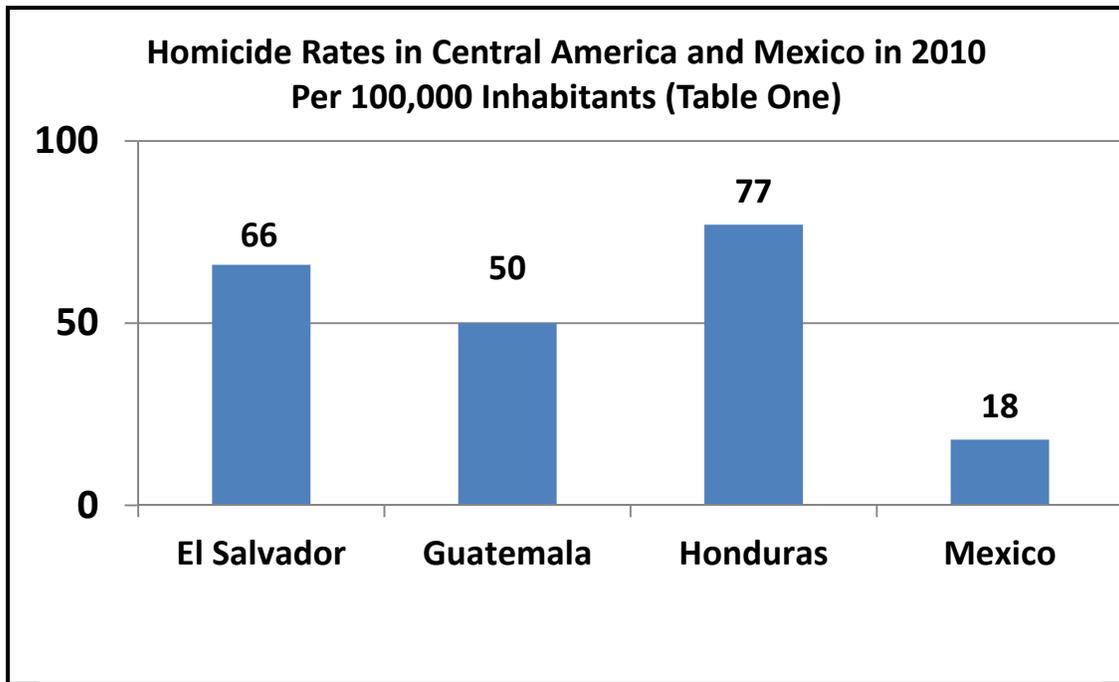
While illegal drug activity is a major cause of violence in Central America, several other factors contribute to increased violence in the subregion. Transnational youth gangs are rampant in Central America. Youth gang members number around 70,000 and are particularly active in El Salvador, Guatemala and Honduras.¹⁰ Other illegal criminal networks are active throughout Central America and are sometimes linked closely to elites, including current and former government officials.

Central America has become one of the most violent areas of the world. In recent congressional testimony, the Commander of U.S. Southern Command General Douglas Fraser said that "the northern triangle of Guatemala, El Salvador and Honduras is the deadliest zone in the world outside of war zones."¹¹

Contrary to what many might think, the murder rates in Central America last year were significantly higher than those in Mexico. In 2010, there were 18 homicides per 100,000 people in Mexico.¹² In comparison, there were 50 murders per 100,000 people in Guatemala, 66 in El Salvador and 77 in Honduras.¹³

In his May 25, 2011 testimony before the Senate Caucus on International Narcotics Control, Drug Enforcement Administration Chief of Operations Thomas Harrigan said:

“In both Guatemala and El Salvador, the rate of killing is now higher than during their civil wars, and Guatemala’s government estimates that at least two-fifths of murders are linked to drug trafficking.”¹⁴



Sources: Homicide rates for El Salvador, Guatemala and Honduras are drawn from U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, Regional Gang Initiative: Progress Status Report – CY2010, February 8, 2011. Data for Mexico is from Mexico’s National System of Public Security.

Kevin Casas-Zamora – a former vice president of Costa Rica – notes that violence has also increased dramatically in historically safer areas of Central America, including Panama and Costa Rica. In testimony before the Senate Caucus on International Narcotics Control, he stated, “Even in the safer southern half of the [Central American] isthmus, crime figures have taken a turn for the worse, with homicide rates increasing sharply in Costa Rica (63 percent) and Panama (140 percent) in the past five years.”¹⁵

Violence in Central America has clearly grown to unacceptably high levels. This report will discuss specific actions that the United States can take to support our partners in Central America in reducing violence.

Mexican Drug Trafficking Organizations in Central America

The presence of Mexican drug trafficking organizations in Central America poses a serious security threat to these countries. Currently, the two primary Mexican drug trafficking organizations operating in Central America are the Zetas and the Sinaloa cartel. The Gulf Cartel has also established a presence in the subregion. While the presence of these drug trafficking organizations in Central America is cause alone for concern, it is made worse by the fact that they are fighting each other in Mexico, and now Central America, over control of trafficking routes and market share. These Mexican drug trafficking organizations are intent on gaining that market share by carrying out the same vicious acts of violence in Central America as they do in Mexico.

Rise to Power of Mexican Drug Trafficking Organizations

The Central American drug transshipment route developed as a result of intense pressure placed on Colombian drug trafficking organizations by the U.S. government during the 1980s and early 1990s in The Bahamas and the Caribbean. At that time, The Bahamas and the Caribbean were being exploited as a storage area for South American narcotics and as a jumping off point for smugglers using maritime vessels and light aircraft to penetrate United States borders.

In order to avoid being interdicted in the Caribbean, Colombian drug traffickers established routes through Central America and solidified an alliance with Mexican drug trafficking organizations who provided them a pathway to the United States.¹⁶ Once in the United States, the Colombian drug traffickers distributed their narcotics through sales to regional retail distributors. As law enforcement attacked the Colombian drug trafficking organizations in both the United States and overseas, the Colombian traffickers made a strategic decision to relinquish control of wholesale distribution of cocaine in the United States to Mexican drug traffickers.¹⁷ During this transition, Colombian drug trafficking organizations maintained control of the smuggling routes from South America through Central America and into Mexico.

As a result of this shift, Colombian traffickers removed their exposure to arrest in the United States and reduced their transportation costs by selling cocaine at wholesale prices directly to drug traffickers in Mexico. This change in the Colombian drug trafficking business model enabled Mexican drug trafficking organizations to flourish. Mexican drug trafficking organizations are now able to

realize a 100 percent profit margin for getting cocaine across the border into the United States.

As drug distribution networks in the United States changed over from Colombian wholesalers to Mexican distributors, U.S. law enforcement successfully disrupted money laundering through financial institutions by carrying out undercover operations and more aggressively regulating the banking industry.¹⁸ Again, this success caused the traffickers to change their methods which provided another opportunity for Mexican traffickers. Since they had established smuggling routes and methods going north, they simply applied the same techniques for bulk currency going south. Thus, Mexican traffickers were able to position themselves as the primary smugglers of cocaine into the United States. They also distribute the product, collect the proceeds from retail sales, and transport the proceeds back to Mexico. The Mexican traffickers thereby enjoyed both the mark up from the sale of cocaine and well as “fees” for safe passage of the proceeds.

In 2006, Mexican President Felipe Calderón declared an all-out offensive on drug traffickers which inevitably caused further shifting by drug trafficking organizations. One byproduct of this pressure and the shift by the organizations has been fierce and bloody disputes over territory. From December 2006 to December 2010, there were 34,612 organized crime-related killings in Mexico. That toll may now exceed 40,000, according to media reports.¹⁹

Based on both pressure within Mexico and their ability to expand, Mexican drug trafficking organizations have now positioned themselves in Central America.

Mexican Drug Traffickers Move into Central America

There are many reasons why Mexican drug trafficking organizations decided to move into Central America including freedom from prosecution, weak governance, relaxed enforcement of laws and geography. Simply put, it is a “business friendly” environment for criminal organizations.

Guatemala and Honduras have been particularly hard hit by Mexican drug trafficking organizations. Steven Dudley writes in *Foreign Policy* that “as Mexico and Colombia cracked down on their own drug trafficking problems, the criminals sought new refuge and Guatemala fit the bill: a weak government, a strategic location and a bureaucracy whose allegiance came cheap.”²⁰

Within the last few years, three Mexican drug trafficking organizations have moved aggressively into Central America: the Zetas, and the Sinaloa and Gulf cartels.

The drug trafficking organization presence in Central America is increasingly apparent. In March 2011, Honduran police for the first time ever uncovered a cocaine laboratory in their country. Officials found an installation full of barrels of chemicals and tools used to process the drug. Then Honduran Security Minister Oscar Alvarez said that the lab was probably being run by Mexican drug traffickers.²¹ This evidence likely indicates that drug trafficking organizations are not only transporting cocaine through Central America but are also processing it in the subregion.



Photograph of cocaine laboratory found in Honduras in March 2011 (Source: Honduran Embassy in Washington D.C.)

Mexican drug trafficking organizations are compartmentalized in Central America so that if a member is compromised or arrested by law enforcement, that member cannot lead investigators to others. This is a very common technique for drug trafficking groups and is also used by Mexican drug traffickers who operate throughout the United States. They outsource aspects of the trade to Central American “subcontractors” who store and transport their illicit product through the subregion and into Mexico. These subcontractors have the local knowledge needed to conduct the logistical aspects of drug smuggling. This includes knowledge of geography and local criminal organizations. The command and control for the Mexican traffickers operating in Central America remains with the organizational leadership based in Mexico.

It is important to note that Mexican drug trafficking organizations in Central America do not simply sell illegal drugs. They have increasingly moved into other illegal activities, including kidnapping, human trafficking and extortion.

Instruments of Power of Drug Trafficking Organizations in Central America

Mexican criminal organizations operating in Central America have access to an abundance of cash which enables them to finance operations and pay for expenses needed for expansion such as:

- Bribes to officials throughout federal, state and local governments;
- Recruitment of local employees and subcontractors;
- Purchase of facilities for smuggling operations and product storage; and
- Transportation of narcotics and proceeds

Mexican drug trafficking organizations employ extreme levels of violence including kidnapping, torture, beheadings, and mass murder. If a Mexican trafficker cannot get their way through bribery, then they will use violence. If they cannot purchase land or other needed assets, they will seize it through violence. If someone betrays them, they will use violence. If someone opposes them, including government forces, they will use violence. In meetings in Central America, Caucus staff was informed that Mexican drug trafficking organizations often buy land on both sides of the Mexico-Guatemala border in order to operate freely between the two countries.



Photograph from a farm in northern Guatemala where 27 farmers were massacred by the Zetas. A victim's blood is used to write the following message in Spanish: "What's up, Otto Salguero, you bastard? We are going to find you and behead you, too. Sincerely, Z200." Otto Salguero is believed to be linked to drug trafficking and in conflict with the Zetas. Z200 is the local cell of the Zetas in Guatemala. (Source: Associated Press)

One of the most egregious acts of violence perpetrated by Mexican drug traffickers occurred on May 15, 2011, when the Zetas slaughtered 27 innocent farm workers, decapitating many of the victims, in the northern Petén region of Guatemala. While the farm workers did not have ties to drug trafficking, the owner of the farm reportedly owed the Zetas for a shipment of cocaine. Just days before the farm murders, the dismembered body of the farm owner's niece was found. It has been reported that the farm owner had been contracted by the Zetas to transport drugs from Guatemala into Mexico and had stolen a load of cocaine. The massacre was carried out over several hours by approximately 40 armed Zetas who left a message to the farm owner scrawled in the victims' blood.²² The picture above shows a message from the Zetas to a local drug trafficker written in the blood of one of the victims.

The third aspect of the Mexican drug trafficking organizations' power over drug trafficking through Central America is their direct connections to the source of supply for cocaine in South America. While it is conceivable that a Central

American criminal group could challenge and defeat the Mexican drug trafficking organizations for control of the cocaine trade in Central America, the Mexican traffickers have strong connections to the manufacturers in South America. Even if the Central American groups could obtain their own connection to sources of supply in South America for the cocaine, they would still be faced with the overwhelming task of getting it through the Mexican drug trafficking organization gatekeepers in their home turf of Mexico and into the U.S. before they could realize a profit. The Central American criminal groups could bypass Mexico with cocaine and smuggle it into the U.S. but this would be expensive and they would again be faced with an already-established distribution chain controlled by Mexican groups.

Links to Local Drug Trafficking Organizations

Mexican drug trafficking organizations both work with and against local Central American drug traffickers. The precise nature of the relationships between local and Mexican drug trafficking organizations is unclear.

For example, in Guatemala, three families have traditionally dominated the transport business: the Mendozas, the Lorenzanas and the Leones. Each controls their own region of the country with the Mendozas in the Petén region, the Lorenzanas in the central highlands and on the eastern border with Honduras and the Leones in the Zacapa province on the Honduran border.²³

This April, Guatemalan authorities – with the assistance of a U.S. Drug Enforcement Administration (DEA) vetted unit – apprehended Waldemar Lorenzana, one of Guatemala’s most wanted drug traffickers. He is accused of working with the Sinaloa Cartel to smuggle cocaine to the United States.²⁴ During travel to Guatemala, Caucus staff learned of the crucial role the DEA played in supporting the Guatemalan unit that captured Lorenzana. This episode illustrates how DEA collaboration in working closely with specialized vetted units in Central America is crucial in taking down high level traffickers.

Future Trafficking Projections

In a follow-up briefing, staff members asked three witnesses from a May 25, 2011 Senate Caucus on International Narcotics Control hearing what country the Mexican drug trafficking organizations would target next for infiltration. They all predicted that it would be Belize.²⁵ The Belizean government is substantially under resourced to address the threat, is geographically advantageous – positioned

on the southern border of Mexico – and affords the drug trafficking organizations the ability to conduct land, air and sea smuggling operations. One of the witnesses added that it was inevitable that the Mexican drug trafficking organizations would eventually spread to every country in Central America.

In addition to Belize, the Caucus is concerned about where Mexican drug trafficking organizations will go next. One possible shift could be towards The Bahamas and the Caribbean. Used by Colombia drug traffickers very successfully years ago, the Caribbean region offers Mexican drug trafficking organizations yet another path to the United States for their illicit goods. This would bring the preferred drug trafficking route back to where it was in the 1980s. The United States government must have a comprehensive, regional approach to combating illegal drug trafficking in the Americas in order to counter the balloon effect which results from pressure in one region causing the drug trade to move to another region.

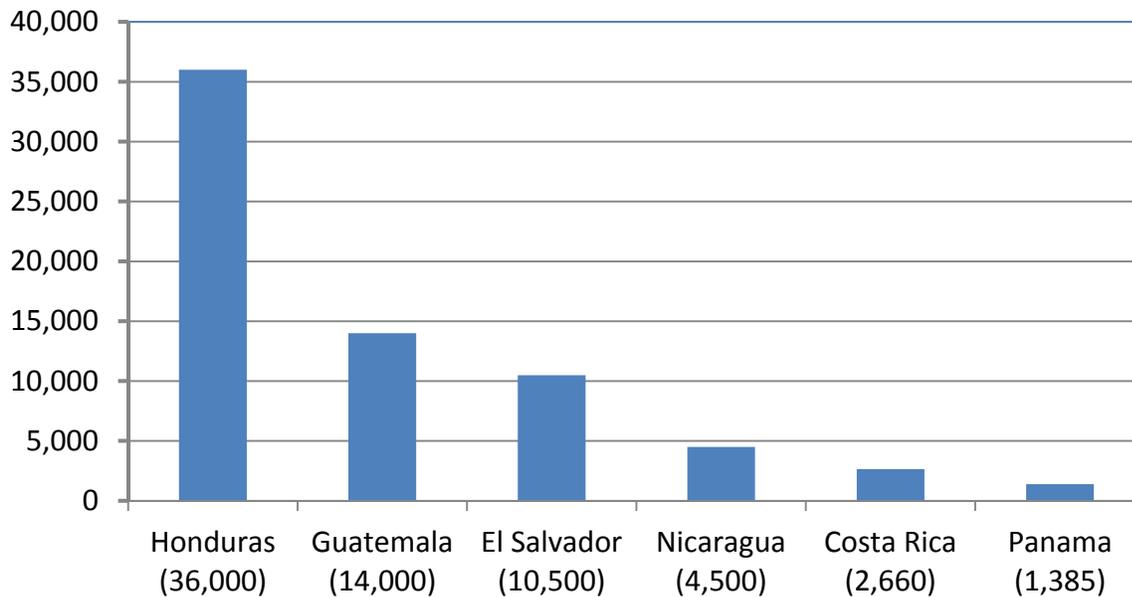
Transnational Youth Gangs and Illegal Criminal Networks

While Mexican drug trafficking organizations account for much of the recent bloodshed in Central America, they are by no means the only source of violence. Transnational youth gangs and other illegal criminal networks also contribute to Central America's extremely high levels of violence.

Transnational Youth Gangs

The United States Southern Command (SOUTHCOM) estimates that there are 70,000 youth gang members in Central America, predominantly in El Salvador, Guatemala and Honduras.²⁶ According to the United Nations Office on Drugs and Crime, there are 36,000 gang members in Honduras, 14,000 in Guatemala, 10,500 in El Salvador, 4,500 in Nicaragua, 2,660 in Costa Rica and 1,385 in Panama.²⁷

Youth Gang Membership in Central America (Table Two)



Source: United Nations Office on Drugs and Crime (UNODC), Crime and Development in Central America: Caught in the Crossfire, May 2007.

The major gangs operating in Central America with ties to the United States are the 18th Street Gang (also known as Calle 18) and its main rival, the Mara Salvatrucha (MS-13). Both gangs began in Los Angeles and later expanded their operations to Central America, particularly as criminal deportees were sent from the United States back to their home countries in Central America.²⁸

MS-13 in the United States is comprised of Salvadoran nationals or first generation Salvadoran-Americans who fled their country from 1980-1992 during El Salvador's civil war, as well as Hondurans, Guatemalans, Mexicans, and others. It is believed that MS-13 has no official national leadership structure as a result of members migrating eastward, where they began forming cliques that operate independently.²⁹ Although they lack an official leader, MS-13 membership is increasing, and according to the FBI, the group is present in at least 42 states and has between 6,000 and 10,000 members.

MS-13's rival gang is the 18th Street Gang that was created by Mexican youth in the 1960s in Los Angeles, California. The 18th Street Gang recruits its members at a young age, targeting middle and high school students. Today, its membership is estimated between 30,000 and 50,000. The gang is believed to be active in 44 cities in 20 U.S. states.³⁰

Youth gangs in Central America are extremely violent and contribute to high homicide rates. However, the extent of youth gangs' connection to Mexican and Central American drug traffickers is still unclear. Clare Seelke with the *Congressional Research Service* writes:

“While some studies maintain that ties between Central American gangs and organized criminal groups have increased, others have downplayed the connection...Regional and U.S. authorities have confirmed increasing gang involvement in drug trafficking, although mostly on a local level. MS-13 members are reportedly being contracted on an ad-hoc basis by Mexico's warring drug trafficking organizations to carry out revenge killings.”³¹

Some analysts believe that the relationship between drug trafficking organizations and gangs is strongest in El Salvador and, to a lesser extent, in Honduras, with few drug trafficking organization-gang connections in Guatemala, Nicaragua, Costa Rica, or Panama.³²

The United States has a number of initiatives that help to combat the threat of transnational youth gangs operating in Central America.

First, the FBI started a Transnational Anti-Gang Task Force (TAG) in October 2007 which allows for information sharing between the United States and Central America on youth gangs. The TAG both gathers information on gang leadership and assists in prosecutions in U.S. and Central American courts.

The largest TAG in Central America is in El Salvador where there are two permanent FBI agents and a total of 44 vetted Salvadoran officers. This team was expanded earlier this year with the addition of 12 new vetted agents.

The FBI began an expansion plan in June 2009 in Guatemala where there are currently 11 vetted Guatemalan agents with two FBI agents currently in the country.

The FBI expects to have permanent agents in Honduras next year and temporary agents sometime this year. The Caucus urges the FBI to staff the TAG unit in Honduras as soon as possible as Honduras has more gang members than any other country in Central America.

Ultimately, the FBI is working to provide all three TAG units with the capability to communicate with each other and share information.³³

Next, the FBI's Central American Fingerprint Exchange Initiative (CAFE) was created to help Central American law enforcement partners modernize their outdated and often useless fingerprint programs. The FBI has modernized fingerprint programs into a digital format creating an automated fingerprint identification system. This system allows these countries to link people to crimes committed in the past. It also provides the U.S. with access to criminal prints from these countries. Comparison to U.S. databases has found that approximately 1 in 10 individuals arrested in Central American countries with these programs has also been arrested in the United States.

Finally, the United States Agency for International Development provides assistance for youth gang prevention programs in Central America. The Caucus believes that these programs must continue as enforcement alone will not be sufficient.

Illegal Criminal Networks

Illegal criminal networks that are neither drug trafficking organizations nor youth gangs are present throughout Central America. It is often difficult to identify the precise structures of these groups and their links to other criminal groups. The Caucus therefore calls for a mapping of organized criminal activity throughout Central America to get a better sense of the precise nature of the subregion's criminal problems and how criminal groups interact with one another.

In Guatemala, for example, some scholars have written about domestic criminal groups that are tied to elites, including current and former politicians and members of the military.

Susan Peacock and Adriana Beltran describe this phenomenon which they refer to as “hidden powers.” They write:

“Illegal armed groups – small bands of heavily armed men who commit or threaten to commit violent criminal acts – are a feature of post-conflict Guatemala...Clandestine groups do not act on their own, but at the behest of members of an inter-connected set of powerful Guatemalans.”³⁴

As the United States assists Central America in combating organized crime, we must be aware that violence in the subregion is multi-layered and involves a wide array of actors with varying motives. More must be done to understand Central America’s complex criminal structures.

Challenges at Mexico’s Southern Border with Belize and Guatemala

Mexico shares a 714 mile southern border with Belize and Guatemala. This porous land and water border has very limited infrastructure³⁵ and allows for criminal groups, including those trafficking drugs, arms and people, to operate with relative freedom. In fact, a recent *Washington Post* story indicated that calling this border “porous” would be an understatement:

“To call this boundary ‘porous’ would be to suggest that parts of it are not. For the indigenous people, ranch hands and smugglers who traverse it freely, there is no border at all. It is a line on a map.”³⁶

The region has rugged terrain, mountains, jungles, unpatrolled grasslands, swamps and rivers without border infrastructure. The security forces of Belize and Guatemala are not equipped to address the challenges at the border.

MEXICO’S SOUTHERN BORDER



South American cocaine that reaches the United States now often transits through Guatemala across Mexico's southern border. There are only 125 Mexican immigration officials monitoring the country's 540-mile border with Guatemala.³⁷

Recognizing the need for improved security at the border, Mexico announced in April 2011 that it would deploy military personnel to its southern border with Guatemala. Media outlets reported that troops were being reorganized in the state of Chiapas which shares the most extensive land border with Guatemala. This action is necessary as Guatemala's security forces do not have a large enough presence in the border area to combat organized trafficking groups. Mexico's actions acknowledge a need to focus on not only its northern border with the United States but also its southern border where trafficking routes enter Mexico.³⁸



Source: Embassy of Mexico

In addition to this short-term effort, over the past two years, the Administration of President Calderón has been working on a long-term strategy to strengthen Mexico's southern border. Currently, Mexico's ports of entry at its southern border have insufficient personnel, limited infrastructure and equipment. These shortcomings make it easy for smugglers to transfer drugs, people and contraband destined to Mexico or the United States into the country.

In response, Mexico has dedicated over \$208 million between 2009 to 2012 to improve its border infrastructure and staffing. Mexico aims to complete the Southern Border Plan in the summer of 2012. This plan includes:

- Building new border checkpoints at formal crossing points;
- Increasing regulation of workers and identification used, including a new Border Worker Card;
- Installing technology and communications infrastructure at ports;
- Eliminating tolls on bridges to encourage legal crossings and prevent diversions;
- Creating a secure crosser program similar to the Secure Electronic Network for Travelers Rapid Inspection (SENTRI) program in the United States;
- Creating new customs teams;
- Initiating air surveillance of roads and areas between checkpoints;
- Increasing the number of fixed and mobile immigration checkpoints;
- Modernizing customs and immigration facilities; and
- Creating a better vetting procedure for customs officials and deploying 550 additional customs inspectors for training.

The Guatemalan military is also working with SOUTHCOM on strengthening 15 existing land ports of entry and creating two new crossings. In addition, SOUTHCOM is working with the Guatemalan military to enhance border region ground mobility. Assistance is being provided to enhance infrastructure and information collection and sharing in the border region.³⁹

Jointly, SOUTHCOM and the Guatemalan military and police are working to create an Inter-Agency Border Unit. This unit will become operational in 2012 and will create a zone of security along the border. This unit will merge maritime and land patrols. The goals are to enhance security at official border crossings; patrol the security zone; conduct traffic control at official ports on entry; provide security and search capabilities in the area; and reinforce local law enforcement authorities in the region.⁴⁰

Mexico and Guatemala's border plans are steps in the right direction. Coordination between the two governments on border security should be commended. While constructing extensive physical infrastructure and dedicating adequate levels of personnel are not realistic near term objectives, Mexico and its Central American partners will need to improve intelligence-led border operations along the Mexican southern border.

International Security Assistance for Central America

U.S. Assistance to Central America

When the Mérida Initiative – a security partnership between the United States and Mexico that includes \$1.5 billion in foreign assistance – was announced in October 2007, it also included a proposal of \$50 million of U.S. assistance for Central America. In Fiscal Year (FY) 2008, Congress appropriated \$60 million in security assistance for Central America.

This initial appropriation was eventually separated from the Mérida Initiative and became the Central America Regional Security Initiative (CARSI). Since 2008, \$361.5 million in security assistance has been appropriated to Congress under CARSI.

Central America Regional Security Initiative Funding (Table Three)

| | |
|--|-------------------------------------|
| FY 2008 | \$60 million |
| FY 2009 | \$105 million |
| FY 2010 | \$95 million |
| FY 2011 | \$101.5 million |
| FY 2012 | \$100 million (President's Request) |
| Total Appropriated by Congress | \$361.5 million |
| Total Including FY 2012 Request | \$461.5 million |

Source: U.S. Department of State, June 2011.

According to the State Department, the five primary goals of CARSI are to:

- (1) Create safe streets for the citizens of the region;
- (2) Disrupt the movement of criminals and contraband within and among the nations of Central America;
- (3) Support the development of strong, capable and accountable Central American governments;
- (4) Establish effective state presence and security in communities at risk; and

- (5) Foster enhanced levels of security and rule of law coordination and cooperation among the nations of the region.

While U.S. assistance provided through CARSI in FY 2011 will be \$101.5 million, Secretary of State Hillary Clinton recently announced that the United States will provide \$290 million in total security assistance to Central America in FY 2011.⁴¹ This includes funding from the DEA, the Department of Defense and other U.S. government agencies. Given the current fiscal situation in the United States, the Caucus urges the executive branch to maximize the impact of existing resources but recognizes that future funding will likely be reduced.

CARSI is concentrated on training and supporting law enforcement in the countries of Central America. At the same time, certain funding is used to refurbish existing patrol and interdiction boats and to provide radios and other communications equipment. Aircraft maintenance is also provided through CARSI.

Cutting Through Red Tape

A July 2010 report by the Government Accountability Office (GAO) noted that International Narcotics Control and Law Enforcement security assistance destined for Central America is managed by the United States Embassy in Mexico.⁴² This creates an extra layer of bureaucracy and slows funding to Central America. According to the report, U.S. officials in El Salvador reported that they had to wait several months for clarification on how to access funds held in Mexico. The report stated that U.S. officials in three Central American countries said that giving their embassies greater control of this funding would “speed up procurement.”⁴³ The Caucus believes that security assistance destined for Central America should be managed by each of the embassies in the subregion, not the U.S. Embassy in Mexico and urges the State Department to direct funding directly through these embassies.

Beyond the United States: International Donors in Central America

During a March 2011 visit to El Salvador, President Obama announced the Central America Citizen Security Partnership. This program builds on our current security assistance to Central America by “working with our partners in Central America, and with interested donor countries and international financial institutions, to deepen our commitment to enhance citizen security in Central America.”⁴⁴

This new partnership will help to support better donor outreach and coordination which the Caucus believes is essential. United States assistance to Central America is important and must be sustained.

At the same time, given the current fiscally challenging environment in Washington, efforts must be made to find support from other countries, international financial institutions, private foundations and the private sector.

On June 22, 2011, the Central American Integration System (SICA) – the economic and political organization formed by the countries of Central America – held the International Conference of Support for the Central American Security Strategy in Guatemala. This meeting brought together heads of state from Central America with donor countries and other funding entities, including the World Bank and the Inter-American Development Bank. Secretary of State Clinton led the U.S. delegation to the meeting.



Secretary of State Hillary Clinton at the June 22, 2011 International Conference of Support for the Central American Security Strategy in Guatemala (*Source: U.S. Department of State*)

Among the countries and organizations at the conference were: Colombia, Canada, Chile, Mexico, Spain, South Korea, the European Union, Finland, Germany, Israel, Italy, Japan, Norway, the United Nations, the Organization of American States, the Inter-American Development Bank and the World Bank.⁴⁵

The World Bank and the Inter-American Development Bank made major financial commitments at the meeting. The Inter-American Development Bank pledged \$500 million in assistance over the next two years to support security programs in Central America.⁴⁶

At the meeting, Secretary Clinton noted that nearly a billion dollars would be spent by all donors on improving security in Central America in 2011. She also called on all participants to better coordinate assistance and avoid duplication. She said:

“The assistance that comes from the Group of Friends [the donors present at the conference] totals nearly a billion dollars this year. And for the first time, we will coordinate that assistance in a systematic way. We intend to establish an ongoing, effective, high-level mechanism to ensure sustained coordination to make every dollar count by reinforcing each other while avoiding duplication.”⁴⁷

The Caucus commends recent efforts to broaden the donor base for security assistance to Central America. The Caucus recommends that the countries of Central America increase their outreach to the private sector and private foundations in both the United States and Central America and encourages these groups to provide security assistance to the subregion.

Central American Investment in Security

The nations of Central America also must increase their own spending on public security. In 2010, El Salvador led the region by spending 3.5 percent of its Gross Domestic Product (GDP) on security. Guatemala – a country greatly in need of more investment in security – spent only 2.2 percent of its GDP on security in 2010. In South America, Colombia, a country whose investment in security over the past decade has yielded impressive results, spent 4.5 percent of its GDP on security in 2010.

**Public Expenditures on Security as a Percentage of
Gross Domestic Product by Country
2006-2010 (Table Four)**

| | 2006 | 2007 | 2008 | 2009 | 2010 |
|---|------------|------------|------------|------------|------------|
| Belize | 2.5 | 2.9 | 3.1 | 2.9 | 2.8 |
| Costa Rica | 1.6 | 1.7 | 2.1 | 2.3 | 2.5 |
| Guatemala | 2.3 | 2.3 | 2.2 | 2.3 | 2.2 |
| El Salvador | 2.9 | 2.8 | 3.3 | 3.5 | 3.5 |
| Honduras | 2.2 | 2.6 | 2.7 | 3.0 | 2.8 |
| Nicaragua | 3.4 | 3.6 | 3.4 | 3.5 | 3.1 |
| Panama | 2.1 | 2.1 | 2.1 | 2.3 | 2.9 |
| Central America Regional | 2.3 | 2.3 | 2.4 | 2.6 | 2.7 |
| Colombia | 4.3 | 4.5 | 4.8 | 5.1 | 4.5 |

Sources: United Nations Development Program, *Información sobre el gasto público de seguridad y justicia en Centroamérica 2006-2010- Resultados preliminares para la Conferencia de apoyo a la Estrategia de Seguridad en Centroamérica* (Panama: UNDP, 2011) and *Logros de la Política Integral de Seguridad y Defensa para la Prosperidad* (Colombian Ministry of Defense, May 2011).

Colombia has in part been able to finance its security sector through a wealth tax. Former President Alvaro Uribe instituted a wealth tax in 2002 which raised over \$800 million – 70 percent of which was used to increase 2002-2003 defense spending. A similar tax that has been in place since 2007 is expected to raise \$3.7 billion from the country’s wealthiest residents.⁴⁸

Countries in Central America have begun to explore the idea of imposing additional taxes to fund security. As Kevin Casas-Zamora explained in a recent paper, Honduras has already done this and there have been encouraging signs in El Salvador and Costa Rica. In Guatemala, unfortunately, there has been less political will to fund security. Kevin Casas-Zamora describes:

“...International donors will be paying close attention to regional efforts at improving tax collection among the wealthy to fund security policies. The signs on this front are not entirely discouraging. Just a few days ago, Honduras’s legislators approved a temporary tax hike, earmarked for security purposes, expected to yield \$80 million per year for five years, while governments in El Salvador and Costa Rica are engaged in similar

political battles. Unfortunately in Guatemala, where the threat of organized crime is by far the most pressing, President Alvaro Colom seems unable to break the age-old political jinx that has impeded any kind of tax reform in his country. The Guatemalan business elite—as recalcitrant and reactionary as any—seems unfazed by the collapse in public safety and has vowed to resist any security-oriented tax hike. In all likelihood they will prevail. Guatemala’s embarrassingly low tax burden—10.5 percent of GDP in 2010—will be left intact; and the country will continue to suffer for that.”⁴⁹

While continued U.S. and international support for security in Central America is important, international assistance alone is not the answer. The Caucus encourages the countries of Central America to find ways to sufficiently fund security efforts.

Vetted Units in Central America

While the United States should continue to support the strengthening of all government institutions in Central America, high levels of corruption among law enforcement in the subregion necessitate a short-term focus on highly vetted units both in law enforcement and the judiciary.

Considered the “gold standard” in police vetted units, there are two Drug Enforcement Administration Sensitive Investigative Units (SIUs) operating in Central America – one in Panama and one in Guatemala. These SIUs are congressionally funded and regulated. Each member of the SIU is subjected to a polygraph examination, a full background investigation and drug testing. Members must pass Leahy Law vetting meaning that their backgrounds are checked to ensure that they have not committed past human rights violations. In addition, members are required to successfully complete specialized training conducted by U.S. personnel both in host countries and in the United States. The SIUs are provided equipment and logistical support. Finally, their salaries are supplemented with a pay stipend for their participation in the unit.

The SIU concept has been tested and has proven extremely effective in other parts of the globe such as Afghanistan, Thailand, Colombia and Mexico. Mentored by DEA agents, these units are one of the primary tools used to battle drug trafficking organizations and transnational criminals who operate in the region.

As this report has already mentioned, the United States does not have the capacity to respond to all of the contributing factors related to security in Central America and therefore must choose the most important programs to support. Kevin Casas-Zamora, a former Costa Rican Vice President, told Caucus staff that the United States has to choose very carefully how it invests the resources it provides to Central America. Casas-Zamora thus said that it is “better to invest in few projects that can have catalytic effects on improving the workings and legitimacy of law enforcement institutions.” Sensitive Investigative Units do precisely this by responding to the highest and most immediate threats.

In the bipartisan Caucus report published in May 2011 entitled *U.S. and Mexican Responses to Mexican Drug Trafficking Organizations*, we recommended that:

“...the current Sensitive Investigative Unit programs in Central America – currently in Guatemala and Panama – should be expanded to additional countries.”

The expansion of SIUs to all seven Central American countries would allow these countries to share intelligence with one another and with other SIUs in Mexico and South America. Properly resourced SIUs can enact a coordinated counterattack against transnational criminal groups. The SIUs develop and share actionable intelligence information resulting in arrest and seizures. They also collect evidence that can be used in judicial proceedings in the United States. Finally and perhaps most importantly, SIUs assist in governance efforts by showing citizens that the rule of law can and will be applied to criminals.

While SIUs are relatively small units, they are capable of producing substantial results. By U.S. law, there must be one DEA agent present for every 15 local law enforcement agents in an SIU. Therefore, it is impossible to increase U.S. sponsored SIUs without considering the need for additional DEA agents in the region.

By all accounts, this is a solid investment: the U.S. provides one DEA Special Agent and is guaranteed 15 police officers dedicated to improving security. Each of these 15 police officers is trained in how to recruit and manage sources of information and they could each develop 10 sources. They now have 150 sources feeding information which could be exploited to identify 10 communication devices used by drug traffickers, per source. The result is 1,500 potential judicial wiretaps that glean actionable leads and evidence. This is a substantial return on the investment of just one U.S. agent mentor supporting the 15 member SIU team.

Judicial and Police Reform in Central America

Justice Reform: Guatemala as a Model?

One of the main reasons violence in Central America continues unabated is the inability of the subregion's justice systems to deliver results. According to the United Nations Development Program, impunity rates average 90 percent in Central America.⁵⁰ In Guatemala – a country with particularly high levels of violence – the impunity rate is estimated to be 98 percent.⁵¹ Corruption is rampant throughout Central America's justice systems.

While Guatemala's justice system faces some of the toughest challenges in Central America, the country also has created a model with the United Nations International Commission against Impunity in Guatemala (CICIG). The CICIG was created to assist the Guatemalan government in investigating and dismantling violent criminal organizations believed to be responsible for widespread crime and paralysis of the country's justice system.

The CICIG was created in August 2007 when the Guatemalan Congress ratified an agreement with the United Nations to establish a commission to support Guatemalan institutions in the “identification, investigation, and prosecution of illegal security groups and clandestine organizations, some of which have been tied, directly or indirectly, to the Guatemalan state.”⁵² Essentially, the CICIG investigates cases and works with the Attorney General's office to bring these cases to trial. While CICIG cannot try cases in Guatemalan courts by itself, the body has the legal ability to support the Attorney General's office in criminal prosecutions and participate as a “complementary prosecutor” in the prosecutorial process.⁵³

The CICIG's work has led to key convictions that previously seemed impossible. For example, in September 2010, 14 leaders of Los Zetas were convicted in Guatemala as a result of a CICIG investigation.⁵⁴ According to the *Congressional Research Service*, in its first three years, CICIG-supported investigations into corruption and the infiltration of organized crime in state institutions contributed to the dismissal of around 1,700 police officers and several senior prosecutors.⁵⁵

The United States – along with several international donors – has provided key support to the CICIG. In Fiscal Year 2011, the United States provided \$4 million to the CICIG.

While the CICIG has been an important tool for the Guatemalan government, in the long run, it cannot be a replacement for the country’s justice system. Efforts by the CICIG must be complemented by improvements in the capacity of the Guatemalan Attorney General’s office.



United Nations Secretary General Ban-Ki Moon with CICIG Commissioner Francisco Dall’Anese
(Source: United Nations International Commission against Impunity in Guatemala)

Salvadoran President Mauricio Funes recently proposed that the United Nations and the Salvadoran government create an International Commission for the Investigation of Organized Crime in El Salvador.

The Caucus strongly supports President Funes’s proposal and encourages political leaders in other countries in Central America to create a similar model. Honduras, in particular, given its extremely high levels of violence and the presence of drug trafficking organizations should consider the creation of a commission similar to the CICIG. The Caucus believes that the United States should support these commissions and should encourage other international and private sector donors to support them as well.

Witness, Prosecutor and Judge Protection Programs

Finally, in meetings in Guatemala and Honduras, Caucus staff were consistently told that witnesses in Central America are often afraid to testify at hearings. Judges and prosecutors are equally afraid to pursue cases against high-profile criminals. The Caucus believes that the United States and other countries should consider providing support for witness, judge and prosecutor protection programs in Central America. Guaranteeing protection to key officials in the justice system will help reduce impunity in Central America.

Currently, the State Department provides some funding for witness, judge and prosecutor protection programs. For example, in Honduras, the State Department funds armored vehicle leases and driver training to help protect asset forfeiture and organized crime judges. In addition, the Department of Justice has sent a proposal to the State Department to fund \$1.5 million in witness security programs. The U.S. Marshals' Service and the Department of Justice's Resident Legal Advisors have carried out assessments of needs in Central America, including witness and court security needs. While this is a welcome start, clearly much more needs to be done.

Police Reform in Central America

Just as important as Central American efforts to improve justice systems are efforts to improve the police. Police – at all levels – are often corrupt and can stand in the way of key investigations. While Guatemala and Honduras have attempted to purge their police forces of corrupt officers, corruption continues to run rampant.⁵⁶

In Guatemala, Helen Mack – a well-respected human rights advocate – was asked by President Alvaro Colom to lead a police reform commission. In a meeting with Caucus staff in Guatemala, Ms. Mack emphasized that Guatemalan police must work more closely with their counterparts from throughout Central America.

This can be done at the International Law Enforcement Academy in El Salvador which is a training institute for law enforcement officers from Latin America and the Caribbean that is overseen by the United States and El Salvador. While the Academy provides important police training courses to officers, it does not do enough to facilitate cooperation between police officers from different countries in Central America.

The Caucus believes that the International Law Enforcement Academy should concentrate on increasing cooperation between law enforcement officials from different countries in Central America. This will help these countries be better prepared to combat transnational threats.

Enhancing Central America's Legal Framework

It will be impossible for the nations of Central America to adequately address security without strong, enforceable laws on the books. There are three categories of laws which are essential to combat organized crime in Central America:

- (1) **Asset Forfeiture:** Asset forfeiture laws allow for the seizure of assets that were proceeds or instruments of crime. A vehicle used in a crime is an example of an instrument of crime. Asset forfeiture laws can provide much-needed revenue to underfunded security sectors in Central America.
- (2) **Judicialization of Wiretaps:** Wiretapping laws allow for the use of intercepted phone calls in judicial proceedings. Wiretaps are a crucial investigative tool in taking down organized criminal groups.
- (3) **Precursor Chemical Controls:** Precursor chemicals are chemicals that are essential to the production of a controlled substance. Pseudoephedrine and ephedrine – commonly found in cold medicines – are precursor chemicals used to produce methamphetamine. Countries in Central America generally have strong laws controlling precursor chemicals.

As Table Five demonstrates, with some exceptions, Central America has a relatively strong legal framework as a number of countries have recently passed laws on asset forfeiture and the judicialization of wiretaps. However, enforcement of these laws is often lacking.

While several of the Central American countries have new wiretapping laws, the technical and logistical aspects of conducting wire intercepts still must be worked out. Equipment and training needs to be provided and in several countries, evidence collected from wiretaps has not yet been used in court. Prosecutors and investigators will need to develop best practice procedures for the use of the information in judicial proceedings. This is very important to the region as well as to U.S. officials who want to use evidence from their Central American counterparts in court proceedings. Federal, state, and local courts in the United States will only allow legally collected and handled evidence to be admitted. Once this is accomplished, it will be a key tool in international criminal investigations. The best way to combat transnational crime is with transnational evidence sharing.

Key Laws in Central America (Table Five)

| Country | Asset Forfeiture Law | Wiretap Law | Precursor Chemical Controls |
|----------------|---|--|--|
| Belize | No – but a bill has been prepared and is awaiting approval from the Ministry of Government prior to submission to Congress | Yes – recently passed but not yet implemented | Yes – a 2009 law criminalized pseudoephedrine trafficking. Belize is working on a law criminalizing trafficking in all precursor chemicals |
| Costa Rica | Yes – but it is a lengthy and cumbersome process to use the seized assets | Yes - but present law requires judges to listen to wire intercepts for court proceedings. New legislation is before Congress | Yes – has a stringent governmental licensing process for the importation and distribution of precursor chemicals |
| El Salvador | Yes – recently passed | Yes – recently passed but not yet implemented | Yes – passed laws in 2008 to control pseudoephedrine |
| Guatemala | Yes – recently passed | Yes – but only covers cell phones and not landlines | Yes – passed a strict law to control precursor chemicals in 2003 and strengthened it in 2009 to control pseudoephedrine. |
| Honduras | Yes – recently passed but not yet implemented | No – legislation currently pending in Congress. Current law only covers landlines and not cell phones | Yes – passed a law in 2009 on precursor chemicals |
| Nicaragua | Yes – recently passed | Yes – recently passed | No |
| Panama | Yes | Yes | Yes – passed a precursor chemical law in 2005 |

Source: Prepared by Peter Meyer, Congressional Research Service. Based on information in the *2011 International Narcotics Control Strategy Report* and the Inter-American Drug Abuse Control Commission, “Compendium of Legislation on Drugs and Drug-Related Activity.” Additional information from briefings in Central America.

Extradition from Central America to the United States

A key tool for disrupting and dismantling criminal organizations in Central America is extradition. The importance of extradition as a tool to combat transnational crime cannot be overstated. It removes the “home field advantage” from drug traffickers. Bringing these fugitives to the United States for prosecution ensures that they cannot exert pressure by way of bribes or threat of violence towards the courts, prosecutors, law enforcement, and juries. The extradition process allows for the application of U.S. law which imposes tough sentences for drug trafficking, secure jails, and due process. In countries with high rates of impunity, extraditions of key criminal leaders can help demonstrate that there will indeed be consequences for criminal activities.

Extradition from Mexico to the United States has been a critical tool in combating Mexican drug trafficking organizations. Extradition has offered both the U.S. and Mexico an invaluable option for addressing the escalating violence and criminality of Mexican drug trafficking organizations, while ensuring that corruption and security concerns do not impact trial or incarceration.

International extraditions require a concerted effort on behalf of both the U.S. government and the country from which the extradition originates. The ingredients required for this process to be successful include (1) a legal framework for extradition; (2) a thorough criminal investigation which has led to a court issued arrest warrant; (3) a provisional arrest warrant; (4) a formal request for extradition; (5) a country to country exchange of translated documents; (6) the ability to locate and arrest the person for whom the warrant has been issued; (7) resources for the aforementioned steps and; (8) most importantly, political will. All of these ingredients must come together while adhering to the legal requirements of both countries and the rights of the accused.

Extradition as a tool to combat crime is used every day within the United States. Just because a criminal is not in the jurisdiction in which they have been charged with a crime does not mean that they get a “pass.” There would be dire consequences if we did not extradite fugitives from one state to another to face justice. Criminals would go free. To properly address transnational organized crime, we must look at extraditions from Central America the same way.

As U.S. policymakers, our message to transnational criminal organizations must be clear: if you violate our laws by sending illicit narcotics to the United

States, you will be charged, extradited, and prosecuted to the fullest extent of the law in the United States.

The following is a snapshot of the current extradition laws in Central America:

- **Panama**: Extradition treaty with the United States entered into force on May 8, 1905. Panama will extradite foreign citizens, but not Panamanian citizens.
- **Costa Rica**: Extradition treaty with the United States entered into force on October 11, 1991. Costa Rica will extradite foreign citizens, but not Costa Rican citizens.
- **El Salvador**: Extradition treaty with the United States entered into force on July 10, 1911. Salvadoran law allows for the extradition of Salvadorans and foreign citizens.
- **Guatemala**: Extradition treaty with the United States entered into force on August 15, 1903. Guatemalan law allows for the extradition of Guatemalans and foreign citizens.
- **Honduras**: Extradition treaty with the United States entered into force on July 10, 1912. Honduras will extradite foreign citizens, but not Honduran citizens.
- **Belize**: Extradition treaty with the United States entered into force on March 27, 2001. Belizean law allows for the extradition of Belizeans and foreign citizens.
- **Nicaragua**: Extradition treaty with the United States entered into force on May 8, 1905.⁵⁷

As the above information shows, Honduras, Panama and Costa Rica currently will not extradite their own citizens to the United States. The Caucus believes that the United States should encourage its partners in Central America to enhance the extradition to the United States of their nationals who are involved in international drug trafficking. This would create a clearer sense of consequences for criminal groups operating in Central America and serve as a deterrent to criminal activities.

Reducing the U.S. Demand for Illegal Drugs

In a meeting with Caucus staff, representatives from all seven Central American embassies urged the United States to do much more to reduce our country's demand for illegal drugs.

Drug consumption in the United States creates both a challenge for public health in our own country and fuels violence in Central America and throughout Latin America and the Caribbean.

In spite of efforts to increase funding for drug prevention and treatment programs, the United States continues to be the world's largest consumer of illegal drugs. According to the National Survey on Drug Use and Health, in 2010, about 22.6 million Americans aged 12 and older were current (in the past month) illegal drug users, representing 8.9 percent of the population. This represents the largest proportion in the past decade of people aged 12 and older identified as current illegal drug users.

There is still an insufficient understanding of which prevention and treatment programs in the United States are most effective. Therefore, on June 21, 2011, Senators Feinstein and Grassley asked the Government Accountability Office to conduct a study to evaluate the successes and shortcomings of congressionally funded drug prevention and treatment programs in the United States. A copy of this request letter is included in the report's appendix. The Caucus recommends that demand reduction programs be evaluated to see which programs are most efficient and effective.

Most Americans are unaware that consumption of illegal drugs in the United States fuels violence in Mexico and Central America. As Eric Farnsworth from the Council of the Americas wrote in a recent article, more must be done to show the direct link between the two:

“...there has been virtually no public emphasis on prevention or efforts to reduce demand in recent years. Where, for example, are the media campaigns including new media, celebrity spokespeople, pronouncements from senior officials, the public condemnation of drug use in the same manner as smoking or helmetless motorcycle riding? Where is the effort to show the link between drug use and killings in Central America and Mexico, along the same lines as the campaign to stop the “blood diamond” trade?

‘Just say no’ is not an effective approach, perhaps, but at this point, nobody seems to be saying much of anything.”⁵⁸

Media campaigns should better illustrate the impact that drug consumption has on violence in Mexico and throughout Central America.

Conclusion

Central America is at a dangerous crossroads. A further deterioration of the security situation in the subregion – particularly in the northern triangle countries of Guatemala, Honduras and El Salvador – could severely damage already weak institutions and justice systems.

Impunity is the law of the land in Central America. The United States can be most helpful in supporting programs that reduce impunity and show that there are consequences to criminal activities. This should include support for specialized vetted units and justice system models that work such as the United Nations International Commission against Impunity in Guatemala. It should also include support for witness, judge and prosecutor protection programs. Enhanced extraditions from Central America to the United States will also be crucial in demonstrating that there are consequences to criminal activity.

The June 22, 2011 International Conference of Support for the Central American Security Strategy – which took place in Guatemala – was an effective start in bringing together heads of state from Central America with donor countries and other funding entities.

Now, much more needs to be done by the countries of Central America and international and private sector donors. The United States is not in a position to provide large amounts of new money at this time. However, the U.S. must make Central America a priority across all government agencies. U.S. government agencies must maximize their efforts in Central America through targeted assistance that helps to strengthen the police and the judiciary.

¹ This report draws on testimony heard by the Senate Caucus on International Narcotics Control by Cynthia Arnson, Latin American Program Director, Woodrow Wilson International Center for Scholars; Kevin Casas-Zamora, Senior Fellow in Foreign Policy and Interim Director of the Latin America Initiative, The Brookings Institution; Thomas Harrigan, Chief of Operations, Drug Enforcement Administration; Roberta Jacobson, Principal Deputy, Assistant Secretary and Hemispheric Security Coordinator, Bureau of Western Hemisphere Affairs, Department of State; and Ray Walser, Senior Policy Analyst for Latin America, The Heritage Foundation at the May 25, 2011 hearing entitled “U.S.-Central America Security Cooperation.”

² Homicide rates for El Salvador, Guatemala and Honduras are drawn from U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, *Regional Gang Initiative: Progress Status Report – CY2010*, February 8, 2011. Data for Mexico is from Mexico’s National System of Public Security.

³ News Transcript, U.S. Dep’t of Defense, DOD News Briefing with Gen. Fraser from the Pentagon on U.S. Southern Command Operations (March 30, 2011) *available at* <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4804> (last visted 9/8/2011).

⁴ United Nations International Commission against Impunity in Guatemala Press Conference, February 24, 2009.

⁵ U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report (INCSR)*. March 3, 2011. <http://www.state.gov/p/inl/rls/nrcrpt/2011/index.htm>

⁶ “Central America: An Emerging Role in the Drug Trade.” Stratfor Global Intelligence. March 26, 2009.

⁷ Ibid.

⁸ The White House, Office of the Press Secretary. “*Presidential Memorandum – Major Illicit Drug Transit or Major Illicit Drug Producing Countries.*” September 16, 2010, <http://www.whitehouse.gov/the-press-office/2010/09/16/presidential-memorandum-major-illicit-drug-transit-or-major-illicit-drug>.

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¹⁰ Testimony of General Bantz J. Craddock, Commander, U.S. Southern Command, before the Senate Armed Services Committee hearing on “Gangs in Central America.” March 15, 2005.

¹¹ Testimony of General Douglas Fraser, Commander, U.S. Southern Command before the House Armed Services Committee hearing on “Fiscal 2012 National Defense Authorization Budget Requests from EUCOM, NORTHCOM and SOUTHCOM.” March 30, 2011.

¹² Meyer, Peter J. and Clare Ribando Seelke. *Central America Regional Security Initiative: Background and Policy Issues for Congress*, Congressional Research Service, prepared for members of Congress. March 30, 2011. <http://www.fas.org/sgp/crs/row/RL34112.pdf>.

¹³ U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, *Regional Gang Initiative: Progress Status Report – CY2010*. February 8, 2011.

¹⁴ Testimony of Thomas Harrigan, Drug Enforcement Administration Chief of Operations before the Senate Caucus on International Narcotics Control hearing on “U.S. – Central America Security Cooperation.” May 25, 2011.

¹⁵ Testimony of Kevin Casas-Zamora Senior Fellow, Foreign Policy, Latin America Initiative at the Brookings Institution, before the Senate Caucus on International Narcotics Control hearing on “U.S. – Central America Security Cooperation.” May 25, 2011.

¹⁶ “Central America: An Emerging Role in the Drug Trade.” Stratfor Global Intelligence. March 26, 2009.

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¹⁸ Note that successful interdiction efforts helped to facilitate a reduction in cocaine use in the United States which we have seen since 2007.

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²⁰ Dudley, Stephen S. "How Mexico's Drug War is Killing Guatemala," *Foreign Policy*. July, 21, 2010. <http://stevendudley.com/pdf/FP%20-%20Guatemala%20-%2007%2021%2010.pdf>.

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³² Dudley, Steven. "Drug Trafficking Organizations in Central America: Transportistas, Mexican Cartels and Mara." Woodrow Wilson International Center for Scholars. May 2010. <http://www.stevendudley.com/pdf/Wilson%20Center%20Central%20America%20Dudley%2005%2017%2010.pdf>

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APPENDIX

- I. Letter from Senators Dianne Feinstein and Charles Grassley to Government Accountability Office (GAO) Comptroller General Gene Dodaro requesting GAO conduct a study evaluating congressionally funded drug prevention and treatment programs.

United States Senate

SENATE CAUCUS ON
INTERNATIONAL NARCOTICS CONTROL
HART SENATE OFFICE BUILDING, ROOM 818-C
WASHINGTON, DC 20510

June 21, 2011

Mr. Gene L. Dodaro
Comptroller General
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Dodaro:

The massive demand for illegal drugs in the United States creates both a challenge for public health in our own country and a challenge to security in countries throughout the world that are battling drug trafficking organizations. In spite of efforts to increase funding for drug prevention and treatment programs, the United States continues to be the world's largest consumer of illegal drugs.

According to the National Survey on Drug Use and Health, in 2009, about 21.8 million Americans aged 12 and older were current (in the past month) illegal drug users, representing 8.7 percent of the population. This represents the largest proportion in the past decade of people aged 12 and older identified as current illegal drug users. This is in spite of years of U.S. investment in drug prevention and treatment programs.

We request that the Government Accountability Office (GAO) conduct a study to evaluate the successes and shortcomings of congressionally funded drug prevention and treatment programs in the United States. We also request this study include a survey of drug prevention and treatment professionals impacted by congressionally funded drug prevention and treatment programs.

Given the current tight fiscal climate, this study would help Congress to determine how best to invest in future programs aimed at reducing the demand for illegal drugs.

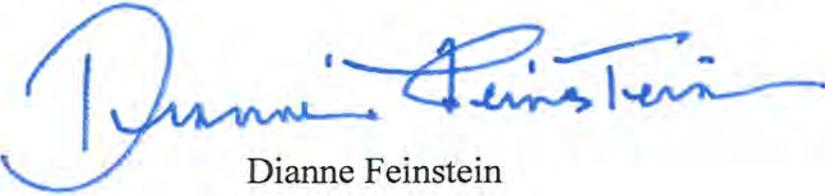
Specifically, we request that GAO answer the following questions:

- Which drug treatment programs have been most effective in preventing recidivism? Which programs have been least effective?
- Which drug prevention programs have been most effective in ensuring that children and adolescents do not consume illegal drugs? Which programs have been least effective?
- How many different sources of federal funding, including various federal grant programs, are authorized and appropriated to reduce demand for illegal drugs, and to provide substance abuse prevention and treatment? Do these programs have any duplication and/or overlap? Would programs benefit from consolidation or streamlining in order to reduce administrative costs and duplicative efforts?
- Are federal grant programs that provide funding for illegal drug demand reduction, substance abuse treatment, and substance abuse prevention evaluated to determine whether they are successful in achieving the stated purposes or goals? Are these programs evaluated for empirical evidence that stated goals are actually achieved by the grant programs?
- How successful are drug courts in preventing recidivism? Are there any specific drug courts that have been particularly effective or ineffective? If so, why?
- To what extent has the 2010 National Drug Control Strategy, which is heavily focused on reducing the U.S. demand for illegal drugs, been implemented? How successful has the strategy been in preventing and reducing illegal drug use?
- Does the Office of National Drug Control Policy (ONDCP) have adequate metrics to evaluate the successes and shortcomings of drug prevention and treatment programs? If not, please recommend an alternative way to measure the successes and shortcomings of these programs.

- How have other societal factors such as state laws allowing the use of marijuana for medical purposes, the drug legalization movement, and pro-drug movies and messages contributed to youth drug use rates?

We appreciate your attention to this request.

Sincerely,



Dianne Feinstein
Chairman



Charles Grassley
Co-Chairman