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Report Pursuant to Sections 1406(a) and 1407(a) of the Supplemental Appropriations Act, 2008 (P.L. 110-252) Regarding Procedures to Implement Section 620J of the Foreign Assistance Act

General Procedures – Mexico and Central America

Section 620J of the Foreign Assistance Act of 1961, as amended (FAA), directs that no assistance be furnished under the FAA or the Arms Export Control Act to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights. To determine whether such credible evidence is available to the Secretary, the Department of State has established procedures to vet security forces that are potential recipients of assistance from the Department of State. Our goals in conducting human rights vetting are to seek to ensure that USG training or assistance to security forces – military or police – is not provided to gross violators of human rights and to leverage our assistance and training to encourage host nation governments to prevent such violations and to hold persons credibly believed to be responsible for such violations accountable for their actions.

The Department has developed a worldwide vetting process for units and members of security forces nominated to participate in training or to receive assistance through State-funded programs. The Department also works closely with the Department of Defense to vet candidates for DoD training programs. Generally, training candidates are first vetted by embassies against databases maintained by relevant agencies at post. Then names and other identifying information are cabled by the embassies to the Department where the regional bureaus – the Bureau of Western Hemisphere Affairs (WHA) in the case of Mexico and Central America – and other bureaus that may have relevant information review files and/or databases to determine whether the Department has credible evidence of gross human rights violations against the unit or individual nominated for training. If credible evidence is discovered during the vetting process that gross violations of human rights have been committed by prospective recipients of assistance, such assistance will not be provided to those candidates.

When making a determination on vetting, the Department of State explores all sources of information that are available to it. This includes resources at the relevant U.S. Embassy, bureaus within the Department, and information provided by non-governmental organizations and civil society groups, as well as from the media and publicly available sources. When negative information is found, the Department must make a case-by-case determination regarding the credibility of the information, the nature of the allegations of wrongdoing, and our ability to

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corroborate the allegations, including weighing any contradictory information or questions about the credibility of sources.

In the case of the assistance provided in the Supplemental Appropriations Act, the vetting process will apply to security forces nominated to receive assistance under programs funded by International Narcotics Control and Law Enforcement (INCLE), Foreign Military Financing Program (FMF), Economic Support Funds (ESF), and Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR) accounts.

The procedures described above for the vetting of security forces from Mexico and Central America follow the overall process the Department has adopted for vetting of security forces world-wide.

Consultation with the Government of Mexico

As per Section 1406(a) of the Supplemental Appropriations Act, representatives of the United States government have consulted with relevant Mexican government authorities – both in Mexico City and in Washington, DC – regarding the procedures and requirements for Merida-related vetting.

The American Embassy in Mexico City has regular contact with the Mexican National Human Rights Commission (CNDH) and with state human rights commissions, as well as with the non-governmental human rights community in Mexico, and continues to seek their input to enhance and expand the local database used by the Embassy to check potential recipients of U.S. assistance. The Embassy will continue to make use of close contacts with the Office of the Attorney General and the ministries of Public Security, Government, Defense, and the Navy to accumulate data and review information related to potential recipients of USG assistance.

To manage the vetting process at Embassy Mexico City, the Post has recently hired a full-time vetting coordinator. In addition, Mexican government representatives have informed us that they are expanding their federal-level vetting process to include state and local police agencies to more closely review the credentials of potential recipients of U.S. assistance under the Merida Initiative. While this effort by the Government of Mexico is not intended to replace USG vetting under section 620J of the FAA, it can effectively complement USG efforts. The Department will coordinate with the Mexican authorities to improve the overall vetting process and ensure the goals of section 620J of the FAA.

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