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Good afternoon. Mr. Chairman, Ranking Member Leahy, and members of the Subcommittee. I appreciate the opportunity to appear before the Subcommittee today on behalf of the Washington Office on Latin America, or WOLA, to discuss U.S. assistance to Central America.

As you are aware, Central America faces many challenges—deep social inequality, endemic levels of violence, and a lack of economic opportunities—some of which my counterparts on the panel will address. While U.S. assistance should support a comprehensive strategy to address all of these concerns, I will focus on why strengthening the rule of law and tackling corruption is critical to breaking the cycle of violence and impunity, and how the United States can best support Central America to strengthen police and judicial institutions and promote accountability.

Corruption permeates nearly all government institutions throughout the region. According to Transparency International's 2016 Corruption Perception Index, El Salvador, Guatemala and Honduras ranked 95, 136, and 123 respectively, out of 166 countries.[1] This corruption has allowed criminal networks to co-opt state institutions while corroding access to, and the quality of, public services such education, health, and public security. Not only has this corruption depleted public trust in institutions, it has exacted tremendous economic costs. For instance, a 2015 study carried out by Oxfam and the Central American Institute of Fiscal Studies estimated corruption could cost Guatemala at least six percent of its GDP just that year.[2]

In Central America violence, corruption, and justice are inextricably linked. Corruption and neglect have resulted in woefully weak and ineffective criminal justice institutions incapable of responding to the violence impacting many marginalized communities. Throughout the Northern Triangle, impunity rates for homicides average 95 percent at best. This means that 19 out of every 20 murders remain unsolved, and the chances of being caught, prosecuted, and convicted for committing a murder are practically zero. The low prospect that perpetrators will ever face justice means that many crimes go unreported. In many communities in the region, people feel they have nowhere to turn for security. They will not stop fleeing until they know that they are

[1] Transparency International, "Corruption Perceptions Index 2016," January 25, 2017, https://www.transparency.org/news/feature/corruption_perceptions_index_2016.
[2] Instituto Centroamericano de Estudios Fiscales and Oxfam Guatemala, "La corrupción: Sus caminos, su impacto en la sociedad y una agenda para su eliminación," August 12, 2015, https://www.oxfam.org/es/informes/la-corrupcion.

going to be protected, rather than ignored or even victimized, by their own police and judicial system. But in Honduras, Guatemala, and El Salvador, that is not currently the case.

Despite these harsh realities, the situation is not hopeless. U.S. assistance can make a difference. Actors in the region—some in civil society, some in key government positions such as the attorneys general, and some in innovative internationally-backed organizations, such as the International Commission against Impunity in Guatemala (*Comisión Internacional contra la Impunidad en Guatemala,* CICIG) and the Mechanism to Support the Fight against Corruption and Impunity in Honduras (*Mecanismo de Apoyo contra la Corrupción y la Impunidad en Honduras,* MACCIH)—are paving the path toward reform. But without independent justice systems, functioning law enforcement institutions, and adherence to the rule of law, the success of these efforts will be limited in both scope and duration. The United States needs to be clear-eyed and principled in targeting assistance in a way that will support comprehensive and lasting changes.

The Alliance for Prosperity, which U.S. assistance supports, was initiated as a new opportunity developed by the three countries of the Northern Triangle to tackle the shared problems of violence, drug trafficking, irregular migration, and unemployment or underemployment. However, this is not the first time we have been down this road. From FY2008 to FY2015, the United States provided $1.2 billion in assistance through the Central America Regional Security Initiative (CARSI), the main vehicle of U.S. assistance to the region during this time. But conditions on the ground have not improved to the degree that we would have hoped. Past assistance lacked a clear strategy to guide the series of programs and initiatives, emphasized training over concrete institutional reform, and did not give enough attention to ensuring adequate coordination among U.S. agencies and between donors.

Moving into FY2018

Now is the time to ask ourselves: how do we avoid repeating the mistakes of the past? How do we ensure that U.S. investments are paying off and making a difference?

The U.S. government has demonstrated its willingness to be a partner by appropriating $750 million in FY2016 and $655 million in FY2017. We support a comparable assistance package for FY2018. However, our assistance can only go so far if the recipient countries are not serious about tackling corruption, supporting transparency, and sending the message that no one is above the law. Conditioning aid is an important tool to ensure our partners are making these changes and that U.S. investments are being used wisely. WOLA strongly supports the conditions that Congress placed on 50 percent of aid to El Salvador, Guatemala, and Honduras in both FY2016 and FY2017, and we recommend that Congress include these conditions in FY2018. These conditions require recipient governments to demonstrate a firm commitment to strengthening the rule of law and addressing corruption, poverty, and inequality. In providing assistance we should not ignore or excuse conduct that undermines reform. Our support is critical, but ultimately there is no substitute for the commitment of the governments in the region to take decisive actions to enact necessary reforms.

There are four key areas I recommend we pay particular attention to in order to help build strong institutions, strengthen the rule of law, and ultimately improve security in Central America:

1) International anti-impunity commissions in Central America

Independent, internationally-backed institutions such as the CICIG and the MACCIH are important and innovative tools to build capacity in domestic justice systems. These bodies, set up at the request of the host governments by the United Nations and Organization of the American States, respectively, have both enjoyed strong U.S. bipartisan support. The CICIG, created in 2006, has revealed the depth of corruption in Guatemala and unearthed criminal networks that have leveraged their links to government to embezzle public funds. Its investigations have resulted in the indictment of the former president and vice president for corruption, as well as the prosecution of several ministers and high-level public officials, legislators, retired generals, police officers, and members of the private sector. The Commission has also boosted the investigative capacity of the Guatemalan Attorney General's Office by promoting the adoption of legal reforms and use of modern investigative techniques and tools. The MACCIH, established in Honduras just last year, has started investigating a multi-million dollar embezzlement scandal within the Honduran social security system and other high-profile cases. It has also championed the adoption of a much-needed campaign finance law and been instrumental in creating anti-corruption tribunals with national jurisdiction.

Both entities have faced substantial pushback from certain elements within the government and private sector who want to undermine their efforts. In the case of Guatemala, reforms have stalled in Congress, cases have been delayed through the abuse of legal motions and remedies, and the Commission and its leadership have been the target of smear campaigns. For progress to continue, the Honduran and Guatemalan governments must fully cooperate with these entities. For its part, the United States must continue to make clear it will politically and financially support them.

2) Independent, professional, and well-resourced attorneys general

Currently, all three countries have attorneys general who have shown some political will to advance high-level corruption cases and improve the investigative capabilities of their institutions. El Salvador's attorney general has created an anti-impunity unit, arrested a well-known criminal leader with deep political ties, and indicted three former presidents and the former attorney general on corruption-related charges. In Honduras, the attorney general has investigated several top criminal leaders and created a special investigative unit trained in scientific and technical techniques to increase prosecution of high-impact crimes. The Guatemalan Attorney General's Office has led the charge on anti-corruption efforts and taken on several organized crime and corruption cases without the assistance of the CICIG.

Still, these offices remain understaffed, susceptible to outside pressures, and absent in many areas of the countries. In Guatemala, for example, only 10 percent of municipalities have prosecutor's offices.[3] This lack of personnel has contributed to a huge backlog of

[3] Presentation by the Guatemalan Attorney General's Office (*Ministerio Público de Guatemala*), February 2016.

cases, adding to high impunity rates. Recent death threats and an assassination attempt against Guatemalan Attorney General Thelma Aldana highlight the danger justice officials in all three countries face when taking on cases targeting high-level corruption.

In FY2017, Congress appropriated significant direct funding for Attorneys General Offices in the Northern Triangle, and this support should continue. Attention should be given to creating or strengthening specialized investigative units, implementing special investigative methods, improving prosecutorial capabilities, strengthening internal control bodies to help root out corruption, and improving regional witness protection mechanisms.

3) Independent courts

A functioning judiciary is critical to ensuring all other areas of a country's government act in the public interest. But in Central America, justice systems are rife with corruption and lack transparency. Their fairness and effectiveness is determined in large part by the judges trying the cases, how transparent the proceedings are, and the scope and quality of convictions.

Too often in Central America, judges can be bought, influenced, or manipulated by political figures, business elites, and others who stand to lose or gain profit or power from their decisions. This makes uncovering the truth a near-impossible task and allows criminal networks to operate unencumbered. Judges who have been compromised not only sway decisions in favor of those pulling the strings, but will stall cases, sometimes indefinitely. This has decimated public trust in the system—the Supreme Court in El Salvador for instance is trusted by just eight percent of the population, according to a survey from the Institute of Public Opinion at the José Simeón Cañas Central American University in San Salvador.[4] Independent, functioning courts are the key to ensuring the environment shifts from one that rewards corruption and violence to one in which the system works for all.

To this end, judges and other justice officials must be selected and promoted through a transparent process based on merit. But addressing corruption is just one crucial piece of strengthening a justice system. U.S. assistance should also support efforts to improve judicial independence, help ensure that laws and norms meet international standards, and support mechanisms that offer protection to judges who have the courage to uphold the rule of law.

4) **Professional and accountable police forces, trusted by the public**

In all three countries, citizens do not feel that the police will protect them or enforce law and order. Accused of everything from bribery to drug trafficking to extrajudicial executions, officers are often seen as a threat. In Honduras, 83 percent of the population

[4] Instituto Universitario de Opinión Pública-Universidad Centroamericana José Simeón Cañas, "Los salvadoreños evalúan la situación del país a finales de 2016," Boletín de prensa año XXXI, no.1, http://www.uca.edu.sv/iudop/wp-content/uploads/Bolet%C3%ADn-Evaluaci%C3%B3n-A%C3%B1o-2016-10-01-2017.pdf.

believes the police are corrupt, according to a 2016 survey carried out by the Violence Observatory at the National Autonomous University of Honduras.[5] Similarly, in El Salvador, 36 percent of people said violence carried out by the state was most harmful to the country, the Latinobarómetro Corporation's 2016 study found.[6] More often than not, neither internal nor external mechanisms effectively hold security forces to account for corruption or abuses against the population. Compounding this corruption and impunity, police capacity is limited. Officers are often underpaid, lack the training and resources necessary to carry out investigations, and are not trusted by the justice system to cooperate in, or properly conduct, investigations.

In lieu of functioning civilian police, all three Northern Triangle presidents have deployed their militaries to provide internal security. Not only has this diverted much-needed resources away from civilian law enforcement, it has changed the nature of violence in each country, given the armed forces' undue political influence over civilian agencies, and escalated human rights concerns. The military is trained to overcome an enemy with as much force as necessary, not to maintain public order and investigate crimes. When soldiers get sent to the streets, the line between citizen and enemy becomes blurred and abuses happen. Further, no state in the region has sustainably brought crime rates down by relying on troops to act as de facto police for an extended period of time.

The answer, then, is to focus on strengthening civilian police forces. There have been some positive steps. The Honduran government established a special commission to clean up the civilian police force following media reports of high-level police involvement and cover-up in the assassination of the anti-drug czar in 2009 and his advisor in 2011. To date, out of 9,234 police officers evaluated, nearly 4,000 have been removed for reasons of restructuring, voluntary withdrawal, and for alleged involvement in corruption or criminal acts.[7] Yet the state has been slow to investigate and prosecute officers involved in abuses and criminal activities, and there have been no convictions to date. But to create a reliable civilian police force will require more than a cleanup. It will take ongoing measures to professionalize officers, strong internal controls to hold all ranks to account, and cooperation with community policing initiatives.

In Guatemala, improvements in police investigative capacity and collaboration with justice officials has led to a declining homicide rate since 2010. Although Guatemala's homicide rate still remains above the Latin America and the Caribbean regional average of 22.5 homicides per 100,000 inhabitants, sustained reforms in justice and security policies have made a difference, and further professionalization is essential to seeing continued improvement.[8]

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[5] Instituto Universitario en Democracia, Paz y Seguridad-Universidad Nacional Autónoma de Honduras, "Percepción Ciudadana sobre Inseguridad y Victimización en Honduras," May 2016, http://www.iudpas.org/pdf/Estu_InvestNacionales/2016_percepcion_ciudadana_inseguridad_victimizacion.pdf.

[6] Corporación Latinobarómetro, "Informe Latinobarómetro 2016," September 2016, http://www.latinobarometro.org/latNewsShow.jsp.

[7] "Comisión depuradora en un año ha realizado una agresiva limpieza de la Policía," *La Tribuna*, April 12, 2017, accessed May 22, 2017. http://www.latribuna.hn/2017/04/12/estos-los-logros-la-comision-especial-la-depuracion-transformacion-la-policia-nacional-ano-funciones/.

[8] World Bank, "Intentional homicides (per 100,000 people)," accessed May 22, 2017, http://datos.bancomundial.org/indicador/VC.IHR.PSRC.P5?locations=ZJ.

In El Salvador, there have been significant improvements in police recruiting, vetting, and training at the police academy. But police investigation units remain understaffed and overworked, and the ability to conduct scientific and forensic investigations remains limited. Perhaps most troubling, aggressive police anti-gang tactics have led to a rise in allegations of police abuse, including extrajudicial executions of suspected gang members. The internal affairs units that ought to investigate and deter this kind of police abuse have been ineffective, and there do not appear to be sufficient controls over police misconduct.

Without a police force they can trust, and without a justice system that has the ability to convict criminals and hold state actors accountable, Central Americans are left without a lifeline. U.S. assistance can help by improving internal and external control bodies to address corruption and wrongdoing, bolstering criminal investigative capacity, and working to change the culture of police forces by focusing aid on how officers are recruited, selected, promoted, and trained.

Evaluating U.S. assistance

An effective U.S. strategy in Central America requires clearly defined goals in each of these areas, tangible metrics to measure improvement, and ongoing monitoring and evaluation.

This is why WOLA, working with local civil society organizations committed to promoting reforms, developed the Central America Monitor, a tool that tracks U.S. assistance and uses a set of objective quantitative and qualitative indicators to assess progress on the ground. Its goal is to move the discussion beyond abstract calls for reform to specific measures of change. These indicators look at many of the issues I have highlighted, including each country's degree of judicial independence, selection and promotion processes for justice officials, resources allocated for law enforcement, and conviction rates, among many others. WOLA's Central America Monitor and other monitoring and evaluation efforts are essential to ensuring U.S. assistance is properly implemented.

In conclusion, it is possible for conditions in the Northern Triangle to improve, but the situation is far beyond the capacity of the governments to tackle on their own. The problems there are not isolated: they are rooted in decades of shared history with the United States, and their consequences now extend up to the U.S. border. Working together to support and monitor specific and substantial reforms, we can achieve results that will reduce violence and create conditions for greater prosperity in Central America. The process may be slow. But, with a willingness to be smart and strategic about our investment in fighting corruption, improving transparency, and bolstering respect for the rule of law, we can see real results.

Thank you. I look forward to your questions.