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THE STUDY OF PLAN COLOMBIA: AN ASSESSMENT OF SUCCESSES AND CHALLENGES

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

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THE STUDY OF PLAN COLOMBIA: AN ASSESSMENT OF SUCCESSES AND CHALLENGES

FRIDAY, MARCH 2, 2001

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:34 a.m., in room 2247, Rayburn House Office Building, Hon. Mark E. Souder (chairman of the subcommittee) presiding.

Present: Representatives Souder, Gilman, Mica, Souder, Mrs. Davis of Virginia, and Ms. Schakowsky.

Staff present: Christopher A. Donesa, staff director; Sharon Pinkerton and Charley Diaz, professional staff members; Tony Haywood and David Rapallo, minority counsels; Michael Yeager, minority senior oversight counsel; Ellen Rayner, minority chief clerk; and Teresa Coufal and Lorran Garrison, minority staff assistants.

Mr. SOUDER. The subcommittee will now come to order.

Good morning and thank you all for coming to our first subcommittee hearing for the 107th Congress. This is the start of an early series of concise hearings on our Nation's drug policy in which we hope to examine critical issues of both supply and demand.

Today we will begin, or really, continue looking at Plan Colombia, an issue that is not only a key to American and Andean drug strategy but also a vital national interest and a cornerstone of our strengthening relationships with Latin America.

Plan Colombia is coming to the forefront of the congressional and national agenda. Vice Chairman Gilman, Congressman Mica, and I have just returned from a subcommittee delegation to Colombia and several other Latin American nations. Over the President's Day recess, our Embassy in Bogota also hosted five other congressional delegations, one of which included Congresswoman Schakowsky, who I welcome to our hearing today.

Earlier this week, Colombian President Pastrana met with President Bush at the White House. With the increasing attention, we scheduled this hearing to examine the current status of the implications of Plan Colombia and review requirements for continued U.S. support.

We will consider other aspects and implications of Plan Colombia in future hearings in this series, including the views of outside groups and experts and specific issues such as human rights, support to law enforcement and alternative development. In fact, in an

upcoming hearing, we will focus more specifically on the drug certification and human rights certification processes not only regarding Colombia but also including Mexico, Burma, Haiti, and other nations.

We will move quickly to the witnesses' testimony and questioning, but first I want to emphasize a couple of points about Plan Colombia.

First, it is important to understand that Plan Colombia is fundamentally, as it should be, an initiative of the Colombian Government and of the Colombian people. Any lasting or meaningful solution must come from within Colombia, and the Plan is an effort to address a broad spectrum of social, economic, and political issues which cannot and properly should not be resolved in any other way.

It is equally apparent, however, that American assistance and cooperation with the plan is critical to make it work, and that the full support and commitment of the administration and Congress is essential to protecting our clear and vital national interests within our hemisphere. Our assistance is urgently needed and cannot come in half measures.

Second, and along the same lines, Plan Colombia is not just about Colombia but is representative of an approach which we hope we can reinforce to spread throughout the entire Andean region, as Secretary of State Powell recently observed. In Bolivia, our delegation witnessed firsthand the remarkable success, which I think has been inadequately reported, that the government has had in virtually eradicating coca growth against tough odds.

At the same time, we met with Peruvian officials and learned of the many difficulties their current interim government is facing. And earlier in the year, I met with Ecuadorian officials as well, who are concerned about traffickers moving along the border of Putumayo. All of this highlights great potential and great challenge and the constant need to consider the big picture as we proceed.

Today, we have invited witnesses from the administration to discuss the current status of implementation of Plan Colombia and our assistance to Colombia. From the Department of State, we will hear from Assistant Secretary for International Narcotics and Law Enforcement Affairs, Rand Beers, who I would like to thank for having his Deputy, Ambassador Jim Mack, join our delegation at the Interparliamentary Drug Control Conference in Bolivia. From the Drug Enforcement Administration, we have the administrator, Donnie Marshall, who took a substantial portion of his time to accompany and work with our delegation. From our Defense Department, we have Robert Newberry, Principal Deputy for Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. From the U.S. Southern Command, we have Commander-in-Chief, General Peter Pace, who I particularly thank for rearranging his schedule.

Thanks to all of you for your willingness to testify on short notice and for accommodating us in your schedules.

Along the same lines, I would like to recognize and thank our new ranking member, Congressman Cummings, who was unable to be here today due to schedule conflicts; but we have an arrange-

ment to go ahead with this hearing and include some of his concerns in the upcoming hearing.

Congresswoman Schakowsky, a member of the full committee and formerly of this subcommittee, will be sitting in his stead and again I welcome her.

[The prepared statement of Hon. Mark E. Souder follows:]

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BERNARD SANDERS, VERMONT
INDEPENDENT

Opening Statement of
Chairman Mark Souder
"Plan Colombia: The Road Ahead"
Subcommittee on Criminal Justice, Drug Policy and Human Resources
House Committee on Government Reform
March 2, 2001

Good morning and thank you all for coming to our first Subcommittee meeting for the 107th Congress. This is the start of an early series of concise hearings on our nation's drug policy in which we hope to examine critical issues of both supply and demand. Today we will begin (or really continue) looking at Plan Colombia, an issue that is not only a key to American and Andean drug strategy, but also a vital national interest and a cornerstone of our strengthening relationships in Latin America.

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economic and political issues which can not and properly should not be resolved any other way. It is equally apparent, however, that American assistance to and cooperation with the plan is critical to make it work, and that the full support and commitment of the Administration and Congress is essential to protecting our clear and vital national interests within our hemisphere. Our assistance is urgently needed and cannot come in half measures.

Second, and along the same lines, Plan Colombia is not just about Colombia, but is representative of an approach which we hope we can reinforce to spread throughout the entire Andean region, as Secretary of State Powell recently observed. In Bolivia, our delegation witnessed firsthand the remarkable success, which I think has been inadequately reported, that the government has had in virtually eradicating coca growth against tough odds. At the same time, we met with Peruvian officials and learned of the many difficulties their current interim government is facing. And earlier in the year, I met with Ecuadorian officials as well, who are concerned about traffickers moving over the border along the Putumayo. All of this highlights great potential, great challenge, and the constant need to consider the "big picture" as we proceed.

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Along the same lines, I would like to recognize and thank our new ranking member, Congressman Cummings, who was unable to be here today due to schedule conflicts. Congresswoman Schakowsky, a member of the full Committee and formerly of this Subcommittee, will be sitting in his stead, and I again welcome her.

Mr. SOUDER. I would now like to recognize Ms. Schakowsky for an opening statement on behalf of the minority members.

Ms. SCHAKOWSKY. Thank you very much, Mr. Chairman. Congratulations on your appointment to chair this important subcommittee. I appreciate your indulgence of my request to sit in on this hearing.

As you know, I have been actively involved in the subcommittee's oversight of Plan Colombia in the past; and I will continue to closely follow the subject during the 107th Congress.

I have a statement I would like to make and, in the interest of time, would like to submit a number of materials and some questions for today's witnesses for the record.

Mr. Chairman, I recently had an opportunity, as you mentioned, to visit Colombia along with Congressman McGovern and a number of congressional staff, journalists, and others on a trip that was organized by the Washington Office on Latin American. We had a very busy 6 days which we had an opportunity to travel around Colombia and to meet with other various sectors of society that are impacted by the current U.S. policy. In addition to meeting with President Pastrana, the Minister of Defense, the Attorney General, the head of the National Police, the head of the Colombian Army and numerous other Colombian and U.S. officials, including Ambassador Patterson, we were able to hear testimony from hundreds of Colombian people.

We heard from farmers and human rights workers in Putumayo. We met with nongovernmental organizations like Peace Brigades International and ASFADES. We met with communities of displaced people living in poverty because of the violence in Colombia. We met with Ambassadors from other countries and representatives from the United Nations, and we visited a peace community in San Jose de Apartado.

Mr. Chairman, as you know, during previous hearings in the subcommittee about U.S. aid to Colombia, I raised numerous questions that U.S. aid to Colombia is too heavily weighted in helicopters and military hardware, instead of support for civil society, democratic institutions, and human rights defenders.

I shared with my colleagues my fear that U.S. military involvement in Colombia may actually escalate the current conflict in that country. I have stated on numerous occasions that, in my belief, our current policy toward Colombia and the billions of dollars we are poised to send in addition to the over $1 billion appropriated last year will not achieve the stated goal of reducing the flow of illegal drugs to the United States.

I have called attention to the fact that dollar for dollar, it is more effective to invest in treatment and prevention as opposed to interdiction and eradication at the source.

I have also questioned whether the United States can be actively involved in counternarcotics efforts in Colombia without being drawn into the violence that rages in that country.

Unfortunately, my recent trip has only reinforced and added to many of the concerns I had before going to Colombia. It is clear to me that collusion continues between the Colombian military and the paramilitary death squads in Colombia.

The military has made ineffective and insufficient efforts to protect civilians who are targeted by paramilitary and guerrilla forces.

Our fumigation efforts in Putumayo may be causing health problems for the local population, including children. And, despite the Embassy's enthusiasm about the accuracy of our spray planes, I heard testimony from farmers whose legal crops were destroyed, leaving them and their families without a source of income or food. Fortunately, Ambassador Patterson was with us in Putumayo; and she agreed to send medical professionals there to do more research on the possible human and environmental effects of aerial fumigation.

This is a human rights emergency in Colombia. Peaceful civilians are harassed, robbed, and attacked on a daily basis. Entire communities have been displaced by the violence in Colombia; and despite their dire situation and commitments by the United States and Colombian Governments to help, there are hundreds of thousands of displaced Colombian people struggling to survive and failing to receive basic services actually estimated up to $1.8 million.

The press in Colombia, while uncensored by the government, is censored by intimidation. Numerous journalists have been killed or forced into exile.

While helicopters are on the way, fumigation is in full force, and U.S. military personnel are on the grounds, desperately needed funds for those charged with protecting against and investigating human rights abuse are still being held up by the United States.

While I was in Colombia, there was a massacre in Cauca; and the human rights units of the Colombian prosecutor general's office did not even have the money to send investigators to the scene. The $3 million promised to the unit held up apparently because of a dispute between the State Department and the Department of Justice. The Human Rights Division of the National Police in Colombia has an operating budget of just $140,000. And, as you know, Members of Congress earn even more than that.

Clear violations of human rights remain unpunished even when evidence of the perpetrators exist. The Santo Domingo massacre that took place on December 23, 1998 during which 17 civilians, including 6 children were murdered, remains an unresolved case, despite extensive evidence of Colombian military involvement and a cover-up. The Colombian Air Force unit and others implicated in the case remain cleared to receive U.S. military aid despite the fact that this appears to be a clear breach of the Leahy law.

A few days after I returned from Colombia, the State Department released its human rights report, and I am not going to read much of it, but let me just say that overall the government's human rights record remained poor. I recommend that everybody look carefully at that State Department report.

My constituents are very concerned about the situation there. They want to help the Colombian people and so do I. So I don't want a mistake that my criticism is that we should not help fund Colombia, I believe that we should.

What is even more troubling is that, despite the expressed will of Congress in attaching human rights conditions to the aid approved last year, the President saw fit to waive these conditions, a decision that has sent a message to the Colombian military that

they can keep doing what they are doing and U.S. aid will continue to pour in.

Let me just summarize my last concern, less than 2 weeks ago, U.S. citizens working for the private military contractor Dyncorp came under fire from FARC guerillas. The privatization of our military and police assistance to Colombia raises important oversight questions as we get drawn deeper into Colombia's war.

The most obvious question is why do we need to outsource and privatize our efforts in Colombia? I think we need to examine this. And I would suggest, Mr. Chairman, a possible oversight hearing on this issue, on the outsourcing of the war and the contracting that we are doing in Colombia and its potential for drawing us further in.

When we begin to consider additional aid for Colombia this year, I hope all of my colleagues will take a close look at what we will be trying to accomplish. I will also be working to include strong and enforceable human rights conditions on any future aid that cannot simply be waived.

And, again, I really do appreciate your indulgence, and I would like to submit my full statement for the record and the questions that I have remaining.

Mr. SOUDER. I thank you.

[The prepared statement of Hon. Janice D. Schakowsky follows:]

Statement of Congresswoman Jan Schakowsky:

Thank you Mr. Chairman and congratulations on your appointment to chair this important subcommittee. I appreciate your indulgence of my request to sit in on this hearing. As you know, I have been actively involved in this subcommittee's oversight of Plan Colombia in the past, and I will continue to closely follow this subject during the 107th Congress. I have a statement that I would like to make and, in the interest of time, would like to submit a number of materials and some questions for today's witnesses for the record.

Mr. Chairman, I recently had an opportunity to visit Colombia along with Congressman McGovern and a number of Congressional staff, journalists, and others on a trip that was organized by the Washington Office on Latin America. We had a very busy 6 days during which we had an opportunity to travel around Colombia and to meet with various sectors of society that are impacted by the current U.S. policy. In addition to meeting President Pastrana, the Minister of Defense, the Attorney General, the Head of the National Police, the head of the Colombian Army, and numerous other Colombian and U.S. officials, including Ambassador Patterson, we were able to hear testimony from hundreds of Colombian people. We heard from farmers and human rights workers in Putumayo. We met with non-governmental organizations like Peace Brigades International and ASFADES. We met with communities of displaced people living in poverty because of the violence in Colombia. We met with ambassadors from other countries and representatives from the United Nations, and we visited a peace community in San Jose de Apartado.

Mr. Chairman, as you know, during previous hearings in this subcommittee about U.S. aid to Colombia, I have raised numerous concerns: That U.S. aid to Colombia is too heavily weighted in helicopters and military hardware, instead of support for civil society, democratic institutions, and human rights defenders. I have shared with my colleagues my fear that U.S. military involvement in Colombia may actually escalate the current conflict in that country. I have stated on numerous occasions that our current policy toward Colombia and the billions of dollars we are poised to spend in addition to the over $1 billion appropriated last year will not achieve the stated goal of reducing the flow of illegal drugs to the United States. I have called attention to the fact that dollar for dollar it is more effective to invest in treatment and prevention as opposed to interdiction and eradication at the source. I have also questioned whether the United States can be actively involved in counter-narcotics efforts in Colombia without being drawn into the violence that rages in that country.

Unfortunately, Mr. Chairman, my recent trip has only reinforced and added to many of the concerns I had before going to Colombia.

It is clear to me that collusion continues between the Colombian military and the paramilitary death squads in Colombia.

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Clear violations of human rights remain unpunished even when evidence of the perpetrators exists. The Santo Domingo massacre that took place on December 23, 1998, during which 17 civilians including 6 children were murdered remains an unresolved case-despite extensive evidence of Colombian military involvement and a cover-up. And the Colombian Air Force unit and others implicated in the case remain cleared to receive U.S. military aid despite the fact that this appears to be a clear breach of the Leahy law.

A few days after I returned from Colombia, the State Department released its Human Rights Report and I want to read to my colleagues an exert from the section on Colombia.

"The Government's human rights record remained poor**; there were some improvements in the legal framework and in institutional mechanisms, but implementation lagged, and **serious problems remain in many areas. Government security forces continued to commit serious abuses, including extrajudicial killings**. Despite some prosecutions and convictions, the **authorities rarely brought higher-ranking officers of the security forces and the police charged with human rights offenses to justice, and impunity remains a problem. Members of the security forces collaborated with paramilitary groups that committed abuses, in some instances allowing such groups to pass through roadblocks, sharing information, or providing them with supplies or ammunition. Despite increased government efforts to combat and capture members of paramilitary groups, often security forces failed to take action to prevent paramilitary attacks. Paramilitary forces find a ready support base within the military and police, as well as among local civilian elites in many areas."

Now I know how my constituents feel about this situation. They want to help Colombia and the people there and so do I. And we want to deal with the drug problem in the U.S., but do not want to send hundreds of millions of dollars worth of military aid to an army that has been known to brutalize the same people it is supposed to protect.

What is even more troubling is that, despite the express will of Congress in attaching human rights conditions to the aid approved last year, the President saw it fit to waive those conditions- a decision that has sent a message to the Colombian military that they can keep doing what they are doing and U.S. aid will continue to pour in.

I want to mention one other concern:
Less than two weeks ago US citizens working for the private military *contractor Dyncorp came under fire from FARC guerillas. The privatization of* our military and police assistance to Colombia raises important oversight questions as we get drawn deeper into Colombia's civil war.

The most obvious question is why do we need to outsource and privatize our efforts in Colombia? The American taxpayers already pay $300 billion per year to fund the world's most powerful military. Why should they have to pay a second time in order to privatize our operations? Proponents of privatizing government functions argue that it will save taxpayers' money, but a February 23 Miami Herald article states that these private American pilots earn about $90,000 a year while mechanics earn about $60,000. Does it make sense to pay a private contractor to duplicate the capabilities of the world's most advanced military?

Or are we outsourcing to in order avoid public scrutiny, controversy or embarrassment? Is it to hide body bags from the media and thus shield them from public opinion? Afterall, three Dyncorp pilots have already died in crashes. Or is it to provide deniability because these private contractors (many of them former U.S. military personnel) are not covered by the same rules as active duty US service persons in Colombia? The Miami Herald article

states, "DynCorp employees are under strict orders to avoid journalists" and that "DynCorp and MPRI officials said they could not comment on their operations in Colombia under the terms of their contracts with the U.S. government." If they will not talk to the press or to US citizens then where is the accountability? Are the terms of their contracts secret as well? How is the public to know what their tax dollars are being used for?

Going to war is one of the most grave decisions that we as a nation can make. If there is a potential for a privatized Gulf of Tonkin incident, then the American people deserve to have a full and open debate before this policy goes any farther. Backing into this military quagmire through private military contractors should raise a red flag to the American people as well as their representatives. I urge this subcommittee to hold oversight hearings on this matter as soon as possible.

Mr. Chairman, the list of questions and concerns goes on and on. One thing that is clear to me is that our current policy in Colombia is misguided. If we really want to deal with the drug problem in the United States, we need to take along hard look at our selves and we need to learn from the mistakes we have made in the past. I believe our current plan will prove to be a failure. It will fail to reduce drug availability and drug use in the U.S. and it will do nothing to improve or even protect the lives of Colombians.

When we begin to consider additional aid for Colombia this year, I hope all of my colleagues take a close look at what we will be trying to accomplish. I will also be working to include strong and enforceable human rights conditions on any future aid that can not simply be waived.

Again, Mr. Chairman, I appreciate the opportunity to speak and look forward to a written response from our witnesses today.

QUESTIONS WITNESSES FROM THE STATE DEPARTMENT AND DRUG ENFORCEMENT ADMINISTRATION 3/2/2001 SUBMITTED BY Congresswoman Jan Schakowsky:

1. To State Department Witness: (Regarding the Leahy Law)
   Which Colombian military units, if any, are currently prohibited from receiving U.S. aid because of the Leahy law? Please provide a detailed list including the specific reason(s) why each of the units named has been determined to be in violation of the Leahy law.

   What is the status of the Santo Domingo massacre case that has been ongoing since 1998? IS it the policy of the Department of State that the units and individuals implicated in the Santo Domingo massacre remain eligible to utilize U.S. funds?

2. To State Department: (Regarding Contractors)
   Which corporations is the United States contracting with for services in Colombia? What are the terms of each contract? Including cost, time frame, and type of services provided under the contract?

3. How do the DEA and the Department of State explain the increase in coca cultivation in areas that are under paramilitary control in Colombia?

4. How does the Department of State justify the Administration's refusal to participate in or observe peace negotiations between the FARC and the Colombian Government? If we are only willing to supply military support and modest amounts of social development aid to Colombia, and are unwilling to participate in the peace process, what kind of message does that send to Colombia and the guerrilla forces in Colombia about U.S. support for peace in Colombia?

5. To State Department: Why is it necessary to hire out for military support of our efforts in Colombia?

6. The Colombian National Police have identified Carlos Castan~o, the leader of the Colombian paramilitaries, as a drug trafficker. Castan~o himself has admitted profiting from the drug trade. His brother was a high ranking members of the Medelli'n Cartel. What information does the DEA have about drug trafficking operations by Castan~o or his family members? What operations has the DEA undertaken to capture or gather evidence on paramilitaries engaged in the drug trade? Has the DEA shared information gathered on paramilitaries and drugs with Colombia's Attorney General? has the DEA shared other information it may have collected in Colombia that may have a bearing on human rights cases? Has the DEA prepared a report on Colombian paramilitaries and their links to the trade in illegal narcotics?

7. In the past, the State Department has revoked the visas of Colombian army generals and other ranking officers with ties to paramilitaries. In one case, General Iva'n Rami'rez had his visa revoked for terrorism, specifically support for the paramilitary groups that commit most of the human rights violations in Colombia. In the past twelve months, has the State Department revoked the visas of any Colombian military officers? Have any paramilitary personnel in Colombia been placed on the U.S. terrorist list?

8. The Santo Domingo case is of particular concern to me. Even though there is credible evidence linking a Colombian Air Force unit to the attack that led to the deaths of seventeen civilians, including six children, and the wounding of some 25 other civilians, on December 13, 1998 -- including a report by our own FBI -- the US continues to give this unit money. No effective measures have been taken by the Colombian military to investigate those responsible of bring them to justice. Is the State Department using a selective interpretation of the Leahy Amendment here? Are we ignoring the law because we are making the assumption that this unit is crucial to the war on drugs, so we should overlook a horrific killing? In how many other cases are we ignoring the law?

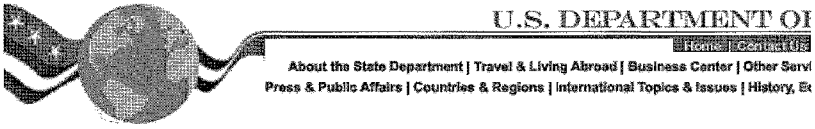
9. Are any private military contractors or their sub-contractees, engaged in counterinsurgency training, planning, or direct missions?

10. Have all U.S.-contracted or staff employees been vetted for Human Rights violations? Have foreign contractees been vetted for Human Rights violations?

11. Are these private contractors subject to the Freedom of Information Act? What about their State Department contracts?

12. How do we know what kind of herbicide is being used in Colombia for U.S. funded fumigation efforts? Where is the oversight?

13. Are paramilitaries being used to clear areas with strong guerrilla presence prior to fumigation? Have any private U.S. contractors or their Colombian employees coordinated their fumigation campaigns with these paramilitaries?



Colombia

Country Reports on Human Rights Practices -2000
Released by the Bureau of Democracy, Human Rights, and Labor
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Colombia is a constitutional, multiparty democracy in which the Liberal and Conservative parties have long dominated politics. Citizens elected President Andres Pastrana of the Conservative Party and a bicameral legislature controlled by the Liberal Party in generally free, fair, and transparent elections in 1998, despite attempts at intimidation and fraud by paramilitary groups, guerrillas, and narcotics traffickers. Similar attempts at intimidation by illegal armed actors, including killings and kidnapings, threatened to impair local elections scheduled for October; however, the elections were generally peaceful. The civilian judiciary is largely independent of government influence; however, the suborning or intimidation of judges, witnesses, and prosecutors is common.

The Government continued to face serious challenges to its control over the national territory, as longstanding and widespread internal armed conflict and rampant violence--both political and criminal--persisted. The principal participants in the conflict were government security forces, paramilitary groups, guerrillas, and narcotics traffickers. The number of victims of paramilitary attacks during the year increased. In some areas government forces were engaged in combat with guerrillas or narcotics traffickers, while in others paramilitary groups fought guerrillas, and in still others guerrillas attacked demobilized members of rival guerrilla factions. The 2 major guerrilla groups, the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), consist of an estimated 11,000 to 17,000 full-time combatants organized into more than 100 semiautonomous groups. The FARC and the ELN, along with other smaller groups, exercised a significant degree of territorial influence and initiated armed action in nearly 1,000 of the country's 1,085 municipalities during the year, which was approximately the same level as in 1999. Their popular support nationwide remained low, according to polls and numerous other reports. The major guerrilla organizations received a significant part of their revenues (in the hundreds of millions of dollars) from fees levied on narcotics production and trafficking, as well as kidnaping and extortion. Guerrillas and paramilitary groups supplanted absent state institutions in many sparsely populated areas. Peace talks initiated in 1999 between the Government and the FARC continued in a demilitarized zone ("despeje") consisting of 5 southern municipalities, with a total population of approximately 100,000 persons. In the absence of both a state presence and international verification, FARC human rights abuses inside the zone, as well as outside of it, continued. Peace talks were complicated by the September 8 hijacking of a commercial plane by a FARC guerrilla who obtained refuge in the demilitarized zone. On November 14, the FARC unilaterally suspended negotiations and demanded concrete government action against the paramilitary groups. On December 6, President Pastrana extended the term of the demilitarized zone until January 31, 2001, as intense public debate continued over the value of the existing peace process. The killing of congressional peace commission chairman Diego Turbay Cote on December 29 cast further doubt on the future of peace negotiations, although government and FARC negotiators remained in contact.

In April the Government and the ELN agreed in principle on verification within a proposed "encounter zone" in southern Bolivar and northeastern Antioquia departments, in which the ELN's national convention could take place. However, progress stalled when local residents of the proposed zone protested its creation. Two groups--Asocipaz and the "No to the Despeje" Committee--demanded active consultation with the Government on the creation of an encounter zone and on occasion blocked access to the area. Paramilitary groups have attempted to influence these organizations. The Governments of Spain, France, Switzerland, Norway, and Cuba took a progressively more active role in the peace process during the year and committed to provide development assistance when the zone is implemented. However, the September 17 mass kidnaping of over 50 Cali residents by the ELN again slowed the peace process. After negotiation coupled with military pressure, the last of the hostages were released on November 3. ELN leaders participated in a mid-October conference in San Jose, Costa Rica, jointly sponsored by the Government and a group of nongovernmental organizations (NGO's), to explore solutions to the conflict. (The FARC, although invited, did not participate in the conference.) On December 15, five hired killers wounded public employees' union president Wilson Borja, a key member of the

civil society facilitating commission in the Government-ELN peace process. Carlos Castano, the head of the United Self-Defense Groups of Colombia (AUC) paramilitary umbrella organization, admitted a role in the attack. The Christmas release of 42 police and military hostages by the ELN paved the way for continued negotiations on the encounter zone at year's end.

In open opposition to the Government, in November the AUC paramilitary group kidnaped seven members of Congress and demanded that the Government grant the AUC a role in the peace negotiations with the FARC. Interior Minister Humberto de la Calle negotiated the hostages' release with Castano, an action that angered the FARC. The Government refused to accord illegal self-defense (paramilitary) groups any political status.

The civilian-led Ministry of Defense is responsible for internal security and oversees both the armed forces (including the army, air force, navy, marines, and coast guard) and the National Police. In the past, civilian management of the armed forces has been limited; however, over the past few years, the professionalism of the armed forces has improved, and respect for civilian authority on the part of the military has increased. In addition to the armed forces and the National Police, the public security forces include armed state law enforcement and investigative authorities, including the Administrative Department of Security (DAS) and the Prosecutor General's Technical Corps of Investigators (CTI). The DAS, which has broad intelligence gathering, law enforcement, and investigative authority, reports directly to the President but is directed by a law enforcement professional. The police are charged formally with maintaining internal order and security, but in practice law enforcement responsibilities often were shared with the army in both rural and urban areas. Many observers maintain that government action to combat paramilitarism has been inadequate, and in the past security forces regularly failed to confront paramilitary groups; however, the security forces improved their efforts to confront and detain members of paramilitary groups during the year. Nevertheless, members of the security forces sometimes illegally collaborated with paramilitary forces. The armed forces and the police committed serious violations of human rights throughout the year.

Despite years of drug- and politically related violence, the economy is diverse and relatively advanced. Crude oil, coal, coffee, and cut flowers are the principal legal exports. In 1999 the country suffered its first recession in over 60 years, with a decrease in gross domestic product (GDP) of 4.5 percent and record unemployment of over 20 percent. Although the economy recovered with 3 percent growth during the year, the level of unemployment remained unchanged and was at 19.7 percent by year's end. The inflation rate at year's end was 8.75 percent. Since September 1999, the Government has adopted fiscally austere budgets and floated the peso. High levels of violence greatly inhibit business confidence. Narcotics traffickers continued to control large tracts of land and other assets and exerted influence throughout society, the economy, and political life. Income distribution is highly skewed; much of the population lives in poverty. Per capita GDP was approximately $2,100.

The Government's human rights record remained poor; there were some improvements in the legal framework and in institutional mechanisms, but implementation lagged, and serious problems remain in many areas. Government security forces continued to commit serious abuses, including extrajudicial killings. Despite some prosecutions and convictions, the authorities rarely brought higher-ranking officers of the security forces and the police charged with human rights offenses to justice, and impunity remains a problem. Members of the security forces collaborated with paramilitary groups that committed abuses, in some instances allowing such groups to pass through roadblocks, sharing information, or providing them with supplies or ammunition. Despite increased government efforts to combat and capture members of paramilitary groups, often security forces failed to take action to prevent paramilitary attacks. Paramilitary forces find a ready support base within the military and police, as well as among local civilian elites in many areas.

On August 12, the revised Military Penal Code went into effect, which provides for an independent military judicial corps and for legal protection for troops if they refuse to carry out illegal orders to commit human rights abuses; the code also precludes unit commanders from judging subordinates. A series of military reform decrees signed by the President on September 14 provided greater facility for the military to remove human rights abusers or paramilitary collaborators from its ranks and provided for the further professionalization of the public security forces. The military judiciary continued to demonstrate an increased willingness to turn cases involving security force officers accused of serious human rights violations over to the civilian judiciary, as required by a 1997 Constitutional Court ruling and the new Military Penal Code; in August a presidential directive reinforced these legal norms.

Police, prison guards, and military forces tortured and mistreated detainees. Conditions in the overcrowded and underfunded prisons are harsh; however, some inmates use bribes or intimidation to obtain more favorable treatment. Arbitrary arrest and detention, as well as prolonged pretrial detention, are fundamental problems. The civilian judiciary is inefficient, severely overburdened by a large case backlog, and undermined by intimidation and the prevailing climate of impunity. This situation remains at the core of the country's human rights problems. The Superior Judicial Council (CSJ) estimated, based on a 1997 survey, that 63 percent of crimes go unreported, and that 40 percent of all reported crimes go unpunished. On April 6, the Constitutional Court overturned much of the 1999 law that had created the specialized jurisdiction (which had replaced the anonymous regional courts system on July 1, 1999).

The authorities sometimes infringed on citizens' privacy rights. Journalists typically work in an atmosphere of threats and intimidation, primarily from paramilitary groups and guerrillas, which appeared to worsen during the year; journalists practice self-censorship to avoid reprisals. There were some restrictions on freedom of movement, generally because of security concerns. Violence and instability in rural areas displaced between 125,000 and 317,000 civilians from their homes during the year. Almost one-fourth of these movements occurred in massive displacements. (Exact numbers of displaced persons are difficult to obtain because some persons were displaced more than once, and many displaced persons do not register with the Government or other entities.) The total number of internally displaced citizens during the last 5 years may exceed 1 million. There were reports that security force members harassed or threatened human rights groups. Violence and extensive societal discrimination against women, abuse of children, and child prostitution are serious problems. Extensive societal discrimination against the indigenous and minorities continued. Child labor is a widespread problem. Trafficking in women and girls for the purpose of forced prostitution is a problem. "Social cleansing" killings of street children, prostitutes, homosexuals, and others deemed socially undesirable by paramilitary groups, guerrillas, and vigilante groups continued to be serious problems.

Paramilitary groups and guerrillas were responsible for the vast majority of political and other killings during the year. Throughout the country, paramilitary groups killed, tortured, and threatened civilians suspected of sympathizing with guerrillas in an orchestrated campaign to terrorize them into fleeing their homes, thereby depriving guerrillas of civilian support and allowing paramilitary forces to challenge the FARC and the ELN for control of narcotics cultivations and strategically important territories. Paramilitary forces were responsible for an increasing number of massacres and other politically motivated killings. They also fought guerrillas for control of some lucrative coca-growing regions and engaged directly in narcotics production and trafficking. The AUC paramilitary umbrella organization, whose membership totaled approximately 8,150 armed combatants, exercised increasing influence during the year and fought to extend its presence through violence and intimidation into areas previously under guerrilla control while conducting selective killings of civilians it alleged collaborated with guerrillas. The AUC increasingly tried to depict itself as an autonomous organization with a political agenda, although in practice it remained a mercenary vigilante force, financed by criminal activities and sectors of society that are targeted by guerrillas. Although some paramilitary groups reflect rural residents' desire to organize solely for self-defense, most are vigilante organizations, and still others are actually the paid private armies of narcotics traffickers or large landowners. Popular support for these organizations grew as guerrilla violence increased in the face of a slowly evolving peace process. The Government continued to insist that paramilitary groups, like guerrillas, were an illegal force and increased efforts to apprehend paramilitary members; however, the public security forces' record in dealing with paramilitary groups remained mixed. In some locations the public security forces increasingly attacked and captured members of such groups; in others elements of these entities tolerated or even collaborated with paramilitary groups.

The FARC and the ELN regularly attacked civilian populations, committed massacres and summary executions, and killed medical and religious personnel. The FARC continued its practice of using gas canisters as mortars to destroy small towns, indiscriminately wounding government officials and civilians in the process. Guerrillas were responsible for the majority of cases of forcible recruitment of indigenous people and of hundreds of children; they also were responsible for the majority of kidnapings. Guerrillas held more than 1,000 kidnaped civilians, with ransom payments serving as an important source of revenue. Other kidnap victims were killed. At year's end, the FARC and ELN reportedly held 527 soldiers and police. In many places, guerrillas collected "war taxes," forced members of the citizenry into their ranks, forced small farmers to grow illicit crops, and regulated travel, commerce, and other activities. In March the FARC announced "Law 002," which demanded that anyone with assets of $1 million pay taxes to the FARC or risk kidnaping. The FARC routinely committed abuses against citizens who resided in the despeje zone. Numerous credible sources reported cases of murder, rape, extortion, kidnaping, robbery, threats, detention, and the forced recruitment of adults and children, as well as impediments to free speech and fair trial and interference with religious practices.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

Political and extrajudicial killings continued to be a serious problem. An estimated 4,000 citizens died in such acts, committed principally by nonstate agents. Members of the security forces continued to commit extrajudicial killings.

An analysis of data from the Center for Investigations and Popular Research (CINEP), published by the Colombian Commission of Jurists (an NGO), indicated that there were 20 reports of extrajudicial killings attributable to state forces in the period from October 1999 to March, including deaths that resulted from police abuse of authority. However, the military claimed that six of the deaths resulted from confrontations with

guerrillas; four alleged deaths (of which only one was confirmed) resulted from a panic when the army tear-gassed an indigenous protest (see Sections 2.b. and 5); and five were attributed by other groups to paramilitary forces. CINEP calculated 37 similar cases in 1999, which also included deaths that resulted from police abuse of authority. Most of the incidents cited by the Commission were under investigation by military and civilian authorities at year's end. The number of cases of military personnel accused of human rights violations who were tried in civilian courts increased. There were some reports that police and former security force members committed social cleansing killings.

According to the Human Rights Ombudsman's office, there were 235 massacres (defined as the simultaneous or nearly simultaneous killing of 3 or more persons outside of combat at a single location or at several nearby locations) during the first 6 months of the year. An estimated 1,073 persons were killed in these massacres; the Ministry of Defense attributed none of these deaths during this period to public security forces. The Central Directorate of the Judicial Police reported 1,286 persons killed in 216 massacres (defined as 4 or more persons killed in the same incident) during the year and attributed none of these massacres to security forces. The Ombudsman's office recorded 509 massacres in 1999, in which 2,262 persons were killed, and attributed 20 killings to public security forces.

On August 15, an army unit mistakenly killed 6 children; the Prosecutor General's office determined that the act was unintentional harm caused in the course of duty and referred the case to the military justice system (see Section 1.g.).

The human rights delegate of the Attorney General's office, which oversees the performance of all public sector employees, received 201 complaints and cases during the first 6 months of the year and concluded 26 disciplinary investigations. Among the complaints were 20 complaints of massacres. The Attorney General's office received 78 complaints related to massacres and forced disappearances during the year. Approximately 75 percent of these complaints involved the army (particularly in Putumayo, Antioquia, and southern Bolivar departments); the other 25 percent implicated police or DAS officials. During the year, the Attorney General's office concluded 13 investigations of massacres and forced disappearances attributed to state agents and sanctioned 50 members of the security forces (including 10 members of the National Police, 35 members of the army, and 5 members of the DAS). The office exonerated 20 accused persons. Contrary to previous years, the office referred all cases involving human rights violations to the Prosecutor General for criminal investigation. Five generals were under investigation by the Attorney General during the year for failure to prevent paramilitary massacres in 1998 and 1999.

At year's end, the human rights unit of the Prosecutor General's office reported that it had approximately 918 open investigations of human rights violations, in which 1,379 individuals are under investigation. This number includes 286 members of the military and police, 573 presumed members of paramilitary groups, 353 presumed guerrillas, and 187 other civilians. The unit arrested 302 persons during the first 6 months of the year, and other state entities arrested a further 70 persons against whom the unit had cases. As of November, another 676 arrest warrants for persons against whom the unit had cases remained outstanding, of which 37 are for military personnel, 20 are for police, and 3 are for members of the DAS. The authorities detained 38 members of the army, 41 police, 5 members of the DAS, and 5 members of the CTI during the year.

The Central Directorate of the Judicial Police announced that 25,660 murders occurred during the year, compared with 24,358 murders in 1999. The press reported that on average one person was killed every 20 minutes. The police and the Prosecutor General's office have insufficient resources to investigate most killings adequately. The Superior Judicial Council estimated based on a 1997 survey that 63 percent of crimes go unreported and that 40 percent of all reported crimes go unpunished.

According to a March report by the Ministry of Defense, during the first half of the year, the military judiciary convicted and sentenced 206 members of the National Police, army, and navy for serious offenses that the Ministry identified as violations of human rights: homicide, bodily injuries, rape, attempted murder, illegal detention, and abuse of authority. Of the total of 206 convictions, 66 were for homicide and 113 were for bodily injuries. The average sentences issued in 1998 were 58 months' imprisonment for homicide and 15 months' imprisonment for bodily injuries, although sentences ranged from 2 years to 64 years for homicide, and 2 months to 2 years for bodily injuries. The military judiciary convicted and sentenced 206 persons for serious crimes in 1999. The civilian Criminal Procedure Code authorizes restriction to a military base as an acceptable substitute for imprisonment when military jails or prisons are unavailable.

In August 1997, the Constitutional Court more narrowly defined the constitutional provision that crimes by state agents unrelated to "acts of service" must be tried in civilian courts (see Section 1.e.). Since then the military judiciary has turned 1,307 cases, of which an estimated 41 percent are for possible human rights violations, over to the civilian judiciary for investigation and possible prosecution, including cases involving high-ranking officers. During the year, the military judiciary turned 496 cases over to the civilian judiciary, compared with 79 cases in 1999 and 266 cases in 1998. The new Military Penal Code reiterates that the crimes of forced disappearance,

torture, and genocide must be tried in civilian courts. President Pastrana reaffirmed these new legal norms in an August directive sent to the military high command and the commander of the National Police (see Section 1.e.).

Prosecution continued in civilian courts against army Major David Hernandez, Captain Diego Fino Rodriguez, Sergeant Edgardo Varon, and Privates Carlos Escudero, Ferney Cardona, and Raul Gallego, members of the Fourth counterguerrilla battalion (Fourth Brigade), for the March 1999 murder of Antioquia peace commissioner (and former Vice Minister for Youth) Alex Lopera and two other persons. However, in March Captain Fino escaped military detention; four soldiers are under investigation for complicity in his escape. Major Hernandez had escaped in June 1999 and was still at large at year's end. Following Fino's escape, the military announced that all military detainees would be transferred to the military stockade at Tolemaida to prevent further escapes; however, it was not clear that this was implemented in all cases.

On April 1, the Attorney General's office publicly stated that it had found insufficient evidence to bring charges against retired army Colonel Jorge Plazas Acevedo, former chief of intelligence of the army's 13th Brigade, for the October 1998 kidnaping and later murder of Jewish business leader Benjamin Khoudari. The Attorney General's office announced that it was dropping its administrative investigation and publicly asked the Prosecutor General's office to drop its criminal investigation. However, the Prosecutor General's office continued its prosecution of Colonel Plazas and civilians Jhon Alexis Olarte Briceno and Guillermo Lozano Guerrero, who were on trial at year's end. The Prosecutor General's office has 11 other arrest warrants pending in the case; 1 lieutenant was ruled out as a suspect.

During the year, the Attorney General sanctioned eight service members in connection with the May 1998 Barrancabermeja massacre, of which three--army Captain Oswaldo Prada Escobar, Lieutenant Enrique Daza and Second Lieutenant Hector Guzman Santos--were discharged. A police lieutenant colonel, captain, and lieutenant, as well as two DAS agents were suspended. On July 12, Elizabeth Canas Cano, a key eyewitness to the massacre, was killed by two unidentified gunmen. In May the Prosecutor General's office ordered the preventive detention of four paramilitary suspects in the case; the investigation was still in progress at year's end. The Attorney General's office also was conducting an inquiry into the death of Canas.

In December the Attorney General's office charged 17 police and 9 army officials with collusion with paramilitary groups in approximately 160 social cleansing murders by members of paramilitary groups in northeastern Antioquia (near the communities of La Ceja, Guarne, and El Penon) during 1995-98. The Attorney General also charged two municipal officials with omission. The Prosecutor General's office pressed criminal charges against 3 of the 26 officials charged by the Attorney General; police Captain Luis Alfredo Castillo Suarez Juan Carlos Valencia Arbalaez and Carlos Mario Tejada Gallego were on trial in Medellin at year's end. Army Lieutenant Colonel Jesus Maria Clavijo Clavijo, Staff Sergeant Javier Gomez Herran, and soldier Carlos Mario Escudero are under investigation in the killings. Clavijo was arrested, suspended from duty, and placed in military detention on March 17. Although the army challenged jurisdiction, arguing Clavijo's actions were related to acts of service, the CSJ ruled that the case should be tried in civilian court.

On March 3, the ongoing civilian prosecution of retired Colonel Bernardo Ruiz Silva, former commander of the army's now disbanded 20th Brigade (military intelligence), for allegedly organizing the November 1995 Bogota killing of Conservative Party opposition leader Alvaro Gomez Hurtado suffered a major setback when key witness Luis Eduardo Rodriguez Cuadrado retracted his previous testimony before a Bogota judge. However, the testimony of another key witness helped the prosecution. The trial continued at year's end. Also on trial are army intelligence agents Henry Berrio Loaiza and Carlos Gaona Ovalle, retired army warrant officers Omar Berrio Loaiza and Franklin Gaona Ovalle, and civilian accused killers Hector Paul Florez Martinez, Manuel Mariano Montero Perez, Gustavo Adolfo Jaramillo Giraldo, and Hermes Ortiz Duran.

In 1999 the human rights unit of the Prosecutor General's office formally indicted marine Colonel Jose Ancizar Molano Padilla, then-commander of the 2nd Marine Infantry Battalion, as well as marine Corporals Javier Fernando Guerra, Eduardo Aristides Alvarez, and Jose Milton Caicedo for the 1995 social cleansing killings of alleged thieves Sifredy and Fredy Arboleda. On May 25, the Prosecutor General ordered the detention of marine Sergeant Francisco Duarte Zuniga, who was still at large at year's end. A disciplinary investigation by the Attorney General was still underway at year's end.

In October 1998, the Attorney General's office severely reprimanded marine Lieutenant Colonel Rodrigo Alfonso Quinones, along with 4 others, for colluding with paramilitary groups in the murders of at least 50 persons in Barrancabermeja, Santander department, in 1992-94, although he was exonerated by a military tribunal in 1994. Quinones appealed the reprimand, but Attorney General Jaime Bernal recused himself from the case, and Congress never appointed anyone else to adjudicate the matter. The statute of limitations on the case expired during the year, leaving the reprimand standing. During the year, Quinones was promoted to brigadier general.

In July 1999, the Prosecutor General's office indicted paramilitary Nicolas Antonio Gomez Zapata for participation in the January 1994 "La Chinita" massacre, which resulted in the deaths of 35 persons. Among the 50 service

members sanctioned by the Attorney General during the year were persons accused of involvement in this massacre. No progress has been reported in the Prosecutor General's case.

At year's end, three army noncommissioned officers sought in connection with the April 1991 massacre of bus passengers at Los Uvos remained at large.

In August a civilian court absolved retired army Colonel Hernando Navas of involvement in the November 1988 Nuevo Segovia massacre in which over 100 persons were killed or wounded. The authorities have charged 8 military officials, 1 police officer, and 10 civilians in the case. Among these, Lieutenant Colonel Alejandro Londono Tamayo and Lieutenant Colonel Marco Baez Garzon continued to appeal civilian court convictions related to the massacre. Londono remained in detention, but was still on active duty, although he has been deprived of command responsibilities. Baez Garzon also was deprived of command responsibility and remained in military custody in Bogota.

On June 29, the Constitutional Court instructed the CSJ to reconsider its 1996 decision referring the case of the 1987 forced disappearance, torture, and death of a member of the M-19 guerrilla group, Nydia Bautista, by accused retired General Alvaro Velandia Hurtado to military courts. Upon the stipulated review, the CSJ reversed itself and assigned jurisdiction to the civilian courts at the end of July, pointing out that the acts were not related directly to military service. The Prosecutor General's office continued its investigation.

There was no information available regarding the pending trial of Lieutenant Colonel Jose Vincente Perez Berrocal for the 1987 killing of a Liberal mayor.

No motives or suspects have been identified in the September 1998 killing of Congressman Jorge Humberto Gonzalez. The investigation remained open at year's end.

Credible allegations of cooperation with paramilitary groups, including instances of both silent support and direct collaboration by members of the public security forces, in particular the army, continued. Evidence suggests that there were tacit arrangements between local military commanders and paramilitary groups in some regions, and paramilitary forces operated freely in some areas that were under military control or despite a significant military presence. Individual members of the security forces actively collaborated with members of paramilitary groups--passing them through roadblocks, sharing intelligence, providing them with ammunition, and allegedly even joining their ranks while off-duty.

The military high command, under the leadership of Defense Minister Luis Fernando Ramirez and General Fernando Tapias, stated repeatedly that it would not tolerate collaboration between military personnel and paramilitary groups and that the army would combat paramilitary groups; however, security force actions in the field were not always consistent with the leadership's positions. Credible reports persisted of paramilitary installations and roadblocks near military bases; of contacts between paramilitary and military members; of paramilitary roadblocks unchallenged by military forces; and of military failure to respond to warnings of impending paramilitary massacres or selective killings. Military entities often cited lack of information or resources to explain this situation. Impunity for military personnel who collaborated with members of paramilitary groups remained common.

In September the President signed military decrees that allowed for the dismissal of members of the public security forces who were complicit in paramilitary or other illegal activities; government agencies actively investigated allegations of collaboration or complicity with paramilitary groups by members of the security forces. A total of 388 members of the military were dismissed in October; however, it was not known how many of these were dismissed for collaborating with paramilitary groups in such abuses (see Section 1.e.).

Both the Peasant Self-Defense Groups of Cordoba and Uraba (ACCU), the largest of the seven major paramilitary organizations of the AUC umbrella group, and the army's Fourth Brigade claimed responsibility, but in different circumstances, for the January 23 killings of two long-demobilized guerrillas. The ACCU claimed that it killed Uberney Giraldo and Jose Evelio Gallo, both leaders of the Socialist Renewal Current (CRS), and two others after abducting them from the village of San Antonio, Antioquia department. On January 24, the army's Fourth Brigade announced that it had killed two "ELN guerrillas" in combat, but civilian autopsies identified them as the two missing CRS leaders. On January 26, gunmen stole the bodies from the morgue but left the autopsy reports behind. At year's end, investigations by the Attorney General's office and the Prosecutor General's office were underway.

On February 19-20, a large group of AUC paramilitary attackers killed an estimated 37 persons whom they suspected of being guerrillas or guerrilla sympathizers at El Salado, Bolivar department. The navy reportedly set up a roadblock shortly after the killings began, which prevented human rights and relief groups from entering; some groups accepted the navy's explanation that access was not possible due to fighting in the area. The

Ministry of Defense denied charges that the navy blocked NGO's from entering or colluded with paramilitary forces, and an investigation by the Prosecutor General was underway at year's end. A military investigation did not find any substantiation for these charges.

The paramilitary group reportedly had been in the town since February 16, and had a list of names of persons they suspected of being guerrilla supporters. The victims included a 6-year-old girl and an elderly woman, and some victims were tortured or raped. The attackers also burned several homes. On February 19, the paramilitary group flew in a helicopter to rescue an injured member. According to Human Rights Watch, 30 minutes after the paramilitary forces withdrew, government forces entered the town.

On February 22, members of the 3rd Marine Infantry Battalion captured 11 members of the paramilitary group suspected of participating in the El Salado massacre, killed 2 of them, and downed a paramilitary helicopter. According to NGO's and press reports, the massacre at El Salado and a February 15-16 paramilitary massacre at nearby Las Ovejas, Sucre department, displaced approximately 3,000 persons. By year's end, 16 paramilitary suspects were under arrest, and the Prosecutor General's investigation into the paramilitary group's responsibility for the massacre was concluded.

Members of the San Jose de Apartado "peace community" in Uraba region, Antioquia department, as well as NGO's, accused the 17th Brigade of involvement in 2 paramilitary massacres in February and July in which 11 persons were killed. On February 19, unidentified perpetrators widely believed to be members of the ACCU paramilitary group attacked San Jose de Apartado. They selectively killed five persons, and wounded three others. There were reports that the men wore the insignia of the 17th Brigade on their uniforms and that army troops were seen on the outskirts of the city several hours before the massacre. On July 8, approximately 20 paramilitary assailants murdered 6 peasants in La Union, part of San Jose de Apartado. The attackers reportedly gave the citizens 20 days to leave the town. NGO's alleged that the 17th Brigade was complicit in both attacks and that army members were near La Union prior to the July 8 attack. There were allegations that a military helicopter hovered over La Union during the massacre; however, these allegations were never confirmed. The military investigation rebutted the charges. The Prosecutor General was investigating both incidents at year's end. There were at least two visits during the year by joint commissions of inquiry including representatives from the Prosecutor General's office, the Human Rights Ombudsman's office, and international NGO's. Human rights NGO's and members of the peace community of San Jose de Apartado reported 11 additional deaths in separate incidents during the year, half of which they attributed to paramilitary forces. They also reported frequent paramilitary roadblocks, intimidation, theft, and the restriction of incoming food supplies.

In February Human Rights Watch issued a report that stated that the army maintains close operational ties to paramilitary groups. The report highlighted incidents of collaboration by officers of the army's Third, Fourth, and 13th Brigades. It stated that according to evidence from government investigators, the army's Third Brigade based in Cali provided weapons and intelligence to the paramilitary "Calima Front." The report also detailed ties between the army's Fourth Brigade and paramilitary groups and ties between the 13th Brigade (intelligence) and paramilitary groups. The report also detailed threats received by various government agents while they investigated these ties.

Vice President Gustavo Bell responded to the Human Rights Watch report and said that while the Government has never denied residual ties between individual members of the public security forces and paramilitary groups, it has moved to break those ties and punish those responsible. Bell said that the suggestion that there was a "deliberate, institutional will to help and support" paramilitary groups was untrue. Bell noted that much of the information in the report came from the Prosecutor General's office, demonstrating that the Government was investigating military crimes.

In March the Attorney General's office ordered that Vice First Sergeant Jose Maria Cifuentes Tovar, of the 45th Battalion, be removed from the army for having failed to obey orders to install a roadblock to prevent the escape of members of paramilitary groups from Barrancabermeja following a February 1999 massacre that left nine persons dead. On March 18, 1999, police arrested paramilitary leader Mario James Mejia ("el Panadero") for killing a taxi driver; he then was charged in Bogota with leading the February 1999 Barrancabermeja massacre and was still under investigation at year's end. Pedro Mateo Hurtado Moreno and three other paramilitary suspects in the massacre remained at large at year's end. Politically motivated killings and related unrest continued in Barrancabermeja at a very high rate throughout the year.

In March the human rights unit of the Prosecutor General's office ordered the detention of army Captain Luis Fernando Campusano Vasquez and sought the capture of 15 other civilians, including Carlos Castano, who remained at large. They are suspected of being affiliated with area units that collaborated with a 300-person paramilitary group based at Vetas, Norte de Santander department, which committed 15 massacres in and around the towns of La Gabarra and Tibu between May 29 and September 1, 1999. More than 145 persons whom the attackers claimed were guerrillas or guerrilla supporters were killed. Nearby elements of the army's 46th counterguerrilla battalion (Tibu) and Fifth mechanized group (Cucuta), as well as police, did not intervene.

In July the Attorney General announced an investigation into retired army Brigadier General Alberto Bravo Silva, Colonel Roque Sanchez, and three other army officers for failing to prevent a paramilitary massacre of 27 persons in August 1999 in La Gabarra. The investigation was still in progress at year's end. Bravo retired in August 1999 on the orders of President Pastrana. Two of the three army officers are still members of the public security forces. Colonel Sanchez, the regional police commander at the time of the killings, was on trial at year's end. In October the Attorney General's office also charged Colonel Sanchez. On May 3, the Prosecutor General's office formally charged AUC paramilitary chief Carlos Castano with masterminding the May 29 and August 21 La Gabarra massacres in 1999.

In March the Prosecutor General issued formal indictments against eight security force members, including Tibu military base Commander Mauricio Llorente Chavez, for complicity in a paramilitary massacre that took place in Tibu in July 1999. Five members of the police were charged in May and subsequently were arrested. On June 20, the Prosecutor General's office arrested six members of the National Police--Arturo Velandia, Luis Toloza, Miguel Hernandez, Alfonso Ortiz, Gustavo Lobo, and Jose Ordonez.

In April 1999, President Pastrana formally retired from service Brigadier Generals Fernando Millan Perez and Rito Alejo del Rio; both had links to paramilitary groups. The Government stated only that it "was no longer convenient" for them to continue their military service. The military judiciary announced no new developments during the year in its ongoing investigation of General Millan regarding allegations that he armed and equipped a paramilitary group in Lebrija, Santander department, in 1997. The group was believed responsible for at least 11 killings. In October 1998, the Superior Judicial Council had determined that Millan's alleged actions constituted an act of service and turned the case over to the military judiciary for prosecution, effectively cutting off the prosecutor's investigation. Millan had denied the charges. In June 1999, the Attorney General's office opened a disciplinary investigation of Millan, which still was in progress at year's end.

At year's end, General del Rio, former commander of the 13th Brigade, remained under preliminary investigation by the human rights unit of the Prosecutor General's office for allegedly establishing illegal paramilitary groups in Medellin in 1987, and in Uraba in 1996. General Del Rio is also under preliminary investigation by the Attorney General's office.

On July 27, the Attorney General's office formally charged five army officers, including four generals, for failing to protect the residents of Puerto Alvira, Meta department, when paramilitary forces killed 19 persons in May 1998, despite repeated requests by the Human Rights Ombudsman. The five charged are former commanders of the army's Fourth Division, retired General Augustin Ardila Uribe and General Jaime Humberto Cortes Parada (the army's Inspector General); former commander of the 7th Brigade, retired Brigadier General Jaime Humberto Uscategui; commander of the 2nd Brigade, General Fredy Padilla de Leon (former head of the Seventh Brigade); and commander of the "Joaquin Paris" battalion, Colonel Gustavo Sanchez Gutierrez. Those involved denied the charges. The Attorney General's investigation was still in progress at year's end. In June a first instance military court recommended closing the investigation of the case; the Superior Military Tribunal was considering this recommendation at year's end. At year's end, the human rights unit of the Prosecutor General's office had detained three members of paramilitary groups and had outstanding arrest warrants for five more, including brothers Carlos and Fidel Castano.

In August air force Commander Hector Fabio Velasco called for the renewed detention and a first instance hearing of Brigadier General Jaime Uscategui and Lieutenant Colonel Hernan Orozco in connection with the July 1997 AUC paramilitary massacre of dozens of persons at Mapiripan, Meta department. Army Commander General Jorge Mora had recused himself from Uscategui's case due to personal ties and was replaced by Velasco. A military tribunal was still considering the issue at year's end. In May 1999, Uscategui was arrested on civilian charges connected with the case, but in August 1999, the CSJ had ruled that the case should be tried in the military courts. Uscategui was released after 180 days when the military investigation produced no action, although the investigation continued. Early in 1999, Uscategui sought to retire from the military effective in January; however, his effort was thwarted by the Attorney General, who ordered Uscategui dismissed from the military in November 1999 for dereliction of duty in the October 1997 judicial convoy massacre in San Juan de Arama, Meta department. A military trial of Brigadier General Uscategui and Lieutenant Colonel Orozco still was in progress at year's end.

In August 1999, the CSJ had sent the cases of all other defendants in the Mapiripan case to the civilian courts for action, including charges against Lieutenant Colonel Lino Hernando Sanchez Prada for facilitating the massacre, which was determined not to be an act of service. As of February 29, the Prosecutor General's human rights unit had completed its investigations of Lieutenant Colonel Sanchez and the five other defendants (two noncommissioned officers and three commercial pilots) in the civilian judiciary. In November the Prosecutor General indicted in a separate process Lieutenant Colonel Sanchez, two army sergeants, and eight members of paramilitary groups (including two civilian pilots). All the cases were on trial by year's end. In addition to Sanchez, and the five other defendants, two more presumed paramilitary group members (who also were still in detention)

were indicted in December.

In May the Attorney General's office, which in 1999 formally had accused five officers, three noncommissioned officers, and five civilian officials of possible complicity or participation in the July 1997 Mapiripan massacre, dropped the charges against and closed the investigation of Lieutenant Colonel Lino Sanchez Prada. The other cases remained under investigation at mid-year.

The case of retired army Colonel Jose Ancizar Hincapie Betancurt for collaboration in 1993-94 with a paramilitary group that killed 10 persons remained pending before civilian courts at year's end.

In July Ivan Cepeda, the son of murdered Senator Manuel Cepeda Vargas, was forced to flee the country due to death threats that he suspected were a reaction to his activism in pursuing justice for his father's 1994 death. In testimony before the Senate, the Attorney General had stated that the Senator had been killed as the result of a joint operation between some senior army officers and members of paramilitary groups. In 1999 the Attorney General's office severely reprimanded army First Sergeant Justo Gil Zuniga Labrador and Vice First Sergeant Hernando Medina Camacho, then members of the army's 20th Brigade, for the killing of Senator Cepeda, who was the leader of the Patriotic Union (UP) party. The army discharged both men from service, and in December 1999 they each were sentenced to 43 years' imprisonment for their roles in Cepeda's murder.

Paramilitary groups committed numerous extrajudicial killings, primarily in areas where they competed with guerrilla forces for control, and often in the absence of a strong government security force presence. The frequency of paramilitary massacres continued to increase significantly. Several major paramilitary campaigns during the year involved a series of orchestrated massacres in Uraba, Norte de Santander, and Barrancabermeja. At mid-year the Human Rights Ombudsman attributed 93 massacres, which claimed 512 victims, to paramilitary groups. In 1999 the office received 1,467 complaints against members of paramilitary groups. The Ministry of Defense attributed 52 percent of the estimated 1,073 deaths that occurred in the 235 massacres reported by the Human Rights Ombudsman's office during the first 6 months of the year. In December the Ministry of Defense reported that paramilitary forces killed 983 civilians in massacres during the year. The Colombian Commission of Jurists attributed 657 killings and 118 social cleansing killings to paramilitary groups in the period from October 1999 through March. Paramilitary activities also included kidnaping, intimidation, and the forced displacement of persons not directly involved in hostilities (see Sections 1.b. and 1.g.). Paramilitary groups targeted teachers (see Section 2.a.), human rights activists (see Section 4), labor leaders (see Section 6.a.), community activists, national and local politicians (including President Pastrana), peasants, and other persons whom they accused of supporting or failing to confront guerrillas. Paramilitary forces killed members of indigenous groups (see Section 5).

AUC paramilitary groups were suspected of hundreds of selective killings throughout the country, especially in Choco, Santander, Valle del Cauca, and Antioquia departments. The FARC, the ELN, or both, had a strong presence in these areas as paramilitary forces vied with them for control of territory or resources, including coca cultivation. Paramilitary groups continued to kill political leaders and peace activists, including peace community leader Freddy Gallego, former Aguachica mayor and peace activist Luis Fernando Rincon, and former Cucuta mayor (and current mayoral candidate at the time of his death) Pauselino Camarga. Fourteen members of the CTI were killed during the year in various parts of the country. Both paramilitary forces and guerrillas were suspected of responsibility in these killings.

Paramilitary massacres at Las Ovejas, Sucre department, and El Salado, Bolivar department, were part of an ongoing paramilitary effort to wrest control of the Montes de Maria region from guerrillas. On February 15-16, approximately 150 ACCU members staged attacks in 5 neighborhoods of Las Ovejas. They killed at least 20 persons whom they suspected of being guerrillas or guerrilla sympathizers, burned dozens of homes, and displaced a large number of persons.

On April 6, approximately 50 paramilitary attackers massacred 21 men whom they suspected of being guerrillas or guerrilla collaborators at Tibu, Catatumbo region, Norte de Santander department, in a continuation of a series of 15 massacres in the region in 1999.

On May 11, a paramilitary group that identified itself as the "Calima Front" claimed responsibility for the killings of 12 civilians in the village of Sabaletas, just outside Buenaventura, Valle del Cauca department. The group also claimed to have killed 14 other persons it suspected of being guerrillas in the same area. According to Human Rights Watch, the army's Third Brigade created and supports the Calima Front, which Human Rights Watch believes is responsible for at least 200 killings between July 1999 and July 2000, as well as the displacement of over 10,000 persons.

In August the AUC paramilitary movement claimed that it had killed the leader and six members of the "la Terraza" gang of hired killers based in Medellin. The AUC was known to have contracted the gang to conduct

killings.

In a series of attacks on the night of November 22, paramilitary forces killed 15 fishermen in Nueva Venecia, in the region of La Cienaga de Santa Marta, Magdalena department, and kidnaped another 22 persons whose bodies later were discovered. Human Rights Ombudsman Eduardo Cifuentes issued a December 14 resolution that reported that 45 persons were killed and that 25 had disappeared, criticized slow government action to assist those displaced as a result of the incident, and called for immediate investigation of reports of a paramilitary base in the area. The Prosecutor General's office was investigating the 37 confirmed deaths at year's end.

Other examples of paramilitary massacres included the killing of 7 persons in Estados Unidos in January, the November killings of 15 persons in Granada in the western part of the country, and the killing in November of 7 persons in Barrancabermeja.

Investigations of past killings and massacres proceeded slowly. In many cases there was no progress in ongoing investigations. Progress during the year included the issuance of warrants of arrest for five suspects involved in murder and extortion as members of the El Corral Convivir (self-defense group) in 1991 in Arauca department. Other members of paramilitary groups investigated and indicted included Luis Arnulfo Tuberquias, who was linked to kidnaping and theft on behalf of such groups; among those captured were Jose Luis Hernandez and Ruben Isaza, nephew and son respectively of paramilitary leader Ramon Isaza, and Dario Zapata Hernandez, allegedly the second in command of the AUC in the Puerto Boyaca area, Caldas department.

On May 3, the Prosecutor General's office formally charged AUC paramilitary leader Carlos Castano with the August 1999 killing of renowned journalist, political comedian, and peace and human rights activist Jaime Garzon Forero in Bogota. On January 13, members of the CTI captured La Terraza gang member Juan Pablo Ortiz Agudelo in Medellin on suspicion of having been the gunman in the attack against Garzon. Ortiz remained in detention in Bogota at year's end. In December a group of men claiming to represent the "La Terraza" criminal organization said publicly that they were hired by Castano to kill Jaime Garzon and human rights activists Elsa Alvarado, Mario Calderon, Jesus Maria Valle, and Eduardo Umana Mendoza. They offered to turn themselves in and provide proof of Castano's involvement in return for security guarantees from the Government. There was no public response from the authorities by year's end.

In December 1999, Spain complied with a government request and extradited paramilitary Lubin de Jesus Morales Orozco, who was arrested in Madrid in June 1999 on unrelated charges, for the April 1998 killing of Eduardo Umana Mendoza, perhaps the country's best-known and most controversial human rights lawyer. Five persons, including Morales, remained in detention and were on trial in a civilian court at year's end.

On June 14, the trial of 10 persons suspected of the February 1998 killing of human rights activist Jesus Maria Valle began in Medellin. Valle was the president of the Antioquia Permanent Committee for the Defense of Human Rights. Charges were brought against suspected killers Jorge Eliecer Rodriguez Guzman, Alvaro Goez Meza, Gilma Patricia Gaviria Palacios, Elkin Dario Granada Lopez, Alexander Vallejo Echeverry, and Carlos Alberto Bedoya Marulanda for direct participation in the crime. In August 1999, the Prosecutor General's office issued arrest warrants for AUC paramilitary leader Carlos Castano and Juan Carlos Gonzalez Jaramillo for planning the crime. Castano was indicted in September 1998 for the killing. According to press reports, the first police agent on the case was killed soon afterward; the prosecutor fled the country; and another investigator was killed in September 1999.

On November 22, a Bogota judge convicted paramilitary Juan Carlos Gonzalez Jaramillo (alias "El Colorado") and Walter Jose Alvarez Rivera in the May 1997 murders of two CINEP workers, Mario Calderon and Elsa Alvarado, as well as Alvarado's father, Carlos Alvarado. Jaramillo was sentenced to 60 years in prison, and Alvarez Rivera was sentenced to 45 years. The judge determined that soccer magnate Gustavo Adolfo Upegui Lopez was not implicated in the murders but ordered a review of evidence presented during the CINEP trial that connected Upegui with paramilitary groups. Upegui remained under arrest in Medellin on separate charges at year's end. The judge also convicted two other men connected to the case for the illegal use of telecommunications equipment and exonerated two other men accused of organizing the murders. An arrest warrant for paramilitary leader Carlos Castano in connection with this case remains outstanding.

Accused paramilitary Ivan Urdinola Grajales remained detained in connection with the 1989-90 "Trujillo I" massacres in Valle department, and also is implicated in the 1994 "Trujillo II" massacre. Prosecutors also have an outstanding warrant for the detention of one other paramilitary member in the Trujillo I case. In May a court upheld charges against paramilitary Norberto Morales Ledesma for involvement in the Trujillo II massacre. Paramilitary member Reynel Gomez Correa, detained in 1999 in connection with Trujillo II, was murdered in prison in December, before he could be brought to trial. Two other members of paramilitary groups implicated in both Trujillo I and Trujillo II remain at large. One such person has been detained, and another is being sought in the Trujillo I massacre. One paramilitary member has been convicted and another detained for the 1994 Trujillo II massacre. Investigations continue in both cases.

In July the superior court of Cundinamarca department exonerated Jose Tellez and his wife Nancy Lozano, who were accused of participating in the 1989 killing of Liberal presidential candidate Luis Carlos Galan. Another suspect, Alberto Hubiz Hazbun, who was accused of planning the crime, was absolved in 1993. The only person to have been convicted of the crime is John Jairo Velazquez Vasquez, who was sentenced to 20 years in prison in 1997.

No suspects have been identified in the September 1999 killing of academic and peace activist Jesus Bejarano.

There was no information available on the investigation into the May 1998 killing of former Defense Minister General Fernando Landazabal Reyes.

While an estimated 507 members of paramilitary groups were believed to be in jail at year's end, known paramilitary leaders largely remained beyond the reach of the law. Government figures indicated that from 1997 through October 2000, 934 members of paramilitary groups have been captured, and 150 members have been killed. The Ministry of Defense reported that during the year the security forces killed 89 members of paramilitary groups and captured 315 members. In 1999 the army reported that it killed 26 members of paramilitary groups and captured 102 during that year.

Paramilitary forces killed members of indigenous groups (see Section 5) and members of trade unions (see Section 6.a.).

The guerrillas of the FARC, the ELN, and the People's Liberation Army (EPL) continued to commit killings, often targeting noncombatants in a manner similar to that of paramilitary groups. The Colombian Commission of Jurists reported that guerrillas were responsible for 236 political killings in the period of October 1999 through March. The Ministry of Defense attributed 880 civilian deaths in massacres to guerrillas during the year. The Human Rights Ombudsman attributed 22 massacres to the FARC during the first 6 months of the year and 9 massacres to the ELN. The Ombudsman also attributed 89 killings to the FARC and 31 killings to the ELN during the first 6 months of the year. Local elected officials and candidates for public office, teachers, civic leaders, business owners, and peasants opposed to their political or military activities were common targets. The Federation of Colombian Municipalities reported that 17 mayors were killed during the year; guerrillas were the principal suspects (see Section 3). For example, in November unknown gunmen killed Carlos Julio Rosas, mayor of Orito, Putumayo department. In addition, in the run-up to the October municipal elections, 19 mayoral candidates were killed. Police and military personnel were targeted for selective and combat killings (see Section 1.g.). Guerrilla groups also killed religious leaders (see Section 2.c.), members of indigenous groups (see Section 5), and labor leaders (see Section 6.a.). Some communities controlled by guerrillas also experienced social cleansing killings of criminal or other "undesirable" elements. Guerrilla campaigns around the demilitarized area, in the Norte de Santander, Antioquia, and southern departments often involved significant civilian casualties and prompted significant displacements (see Section 1.g.).

According to military statistics, FARC and ELN guerrillas killed as many as 200 children during the year (see Sections 1.g. and 5).

The human rights unit of the Prosecutor General's office reported in November that it is conducting ongoing investigations into the detention, disappearance, and deaths of 92 off-duty army personnel. Police suspected 22nd FARC front commander "Geovanni" of ordering the February 27 killing of retired army General Crispiniano Quinones (a former commander of the 13th Brigade) by unidentified gunmen at La Vega, Cundinamarca department. According to the press, Geovanni and two other FARC members were killed shortly thereafter in a confrontation with police.

On March 25 and 26, at least 21 police officers and 8 civilians (including the mayor of Vigia del Fuerte and 2 children) were killed when the FARC overran the twin towns of Vigia del Fuerte, Antioquia department, and Bellavista, Choco department. The FARC held captive at least seven more police officers. The FARC tortured many of the policemen before killing them outside of combat. In April the authorities issued an arrest warrant for FARC member Luis Fernando Zapata Hinestroza.

In May six men who participated in roadblocks protesting a possible demilitarized zone for the ELN in southern Bolivar and Antioquia departments were killed in the Magdalena Medio region. The ELN was suspected of the killings.

On May 7, FARC guerrillas attacked a public bus in Gigante, Huila department, with an explosive device; the driver lost control and hit a tree. FARC members shot at the occupants of the bus and burned the vehicle; four occupants were still inside when the bus was set on fire and are presumed dead.

In June the FARC massacred at least 11 civilians at Nutibara, Antioquia department, and injured 15 other persons. The army's 14th Brigade responded to this and other FARC attacks, reportedly killing 14 guerrillas.

On July 10, in Huila department, two unidentified gunmen killed General Saulo Gil Ramirez, former Director of the National Police from 1958-65. The press speculated that guerrillas were responsible for the killing.

On July 1, 1 person was killed and approximately 40 were wounded when several explosive devices exploded at the El Valle police command in Cali. Authorities attributed the explosion to subversive groups. On the same day, ELN guerrillas attacked the police's Simon Bolivar Carabineer Academy in southwestern Cali.

On July 14, the FARC entered the town of Roncesvalles in Tolima department and killed 13 policemen (see Section 1.g.).

An August offensive by the FARC resulted in the deaths of more than 20 civilians and military personnel.

In August FARC guerrillas killed secretary general of Rio Blanco Milciades Luis Garabito after accusing him of paramilitary ties.

According to press reports, also in August an ELN guerrilla squad tortured and killed eight residents of Sardinita, including one child and one teacher.

In early October, the FARC attacked the remote village of Ortega and killed eight persons, including two women and two children. The guerrillas also burned 20 homes, a school, and a church.

On October 18, guerrillas attacked Bagado and Dabeiba in the Choco department, killing 1 police officer; 17 were missing. Much of Bagado was destroyed.

On November 23, suspected guerrillas killed 12 persons in Santander de Quilichao, Cauca department. At least some of the victims reportedly were linked to paramilitary groups. Two women were injured. Also on November 23, FARC guerrillas killed nine peasants suspected of collaborating with paramilitary groups in Antioquia department.

Investigations into reported killings by FARC members within and on the periphery of the demilitarized zone continued. On December 29, congressional peace commission chairman Diego Turbay Cote, his mother councilwoman Ines Cote, and five other persons were killed in Caqueta department (near the FARC demilitarized zone). The killings placed the future of the peace process in doubt as the Prosecutor General, army, and police alleged that the FARC were responsible. There was no reported progress in the Prosecutor General's investigation into the May 1999 killings in Vereda Perlas Altas, Puerto Rico, Caqueta department. According to press reports, the FARC have executed approximately 20 residents in the despeje zone.

Guerrillas killed citizens using bombs and artillery and continued their practice of using gas canisters to attack small towns, thereby killing civilians indiscriminately (see Section 1.g.).

On May 1, FARC spokesman Raul Reyes said that a FARC "revolutionary tribunal" exonerated FARC eastern bloc commander German Briceno Suarez ("Grannobles") of involvement in the March 1999 killings of kidnaped American citizen indigenous activists Terence Freitas, Lahe'ena'e Gay, and Ingrid Washinawatok near Saravena, Arauca department. In July 1999, the Prosecutor General's office ordered the arrest of Briceno; army efforts to apprehend him and other FARC members accused of the crime had not been successful at year's end. Reyes said that investigations of other FARC members suspected of the killings would continue. In September the Prosecutor General's office sought to question Nelson Vargas Ruedas, a FARC guerrilla imprisoned in Bogota, for information about the crime. U'wa tribe member Gustavo Bocota Aguablanca, who also was indicted for the crime in December 1999, was still at large at year's end. The investigation of the case continued at year's end.

In December a Medellin court ruled that Wilson Eusebio Garcia Ramirez, commander of the ELN's "Carlos Alirio Buitrago" front, should be tried in absentia for the September 1998 killings of CTI members Edilbrando Roa Lopez and John Morales Patino at Mesopotamia, Antioquia. The two had been investigating a 1998 massacre of nine persons at the nearby town of Sonson.

At year's end, the authorities had not yet captured two members of the FARC's 32nd Front, including Arley Leal and Milton de Jesus Tonal Redondo ("Joaquin Gomez" or "Usurriaga"), head of the FARC's southern bloc, in connection with the September 1998 murder of Father Alcides Jimenez in Putumayo.

The Ministry of Defense reported that security forces killed 970 guerrillas and captured 1,556 guerrillas during the year. The Prosecutor General's office reported that at year's end, it had open investigations of 353 guerrillas, had 53 guerrillas in custody, and had 252 warrants for the arrest of guerrilla leaders.

Approximately 80 cases regarding Colombia were before the Inter-American Commission on Human Rights (IACHR) at year's end. The great majority involved violations of the right to life. At year's end, the IACHR was expected to make a decision about whether to move a case involving paramilitary and military involvement in the 1996 killing of 19 merchants to the Inter-American Court of Human Rights.

The IACHR continued the process of trying to reach an amicable settlement of the Patriotic Union's 1996 complaint charging the Government with "action or omission" in what the UP termed "political genocide" of the UP and the Communist Party. As part of the process, since June the Government has provided protection through the Interior Ministry to surviving UP and Communist Party members. Despite these efforts, at least two UP members reportedly were killed during the year.

There continued to be incidents of social cleansing--including attacks and killings--directed against individuals deemed socially undesirable, such as drug addicts, prostitutes, transvestites, homosexuals, beggars, and street children. The Colombian Commission of Jurists did not attribute any social cleansing killings to security forces during the period from October 1999 through March; it attributed 118 social cleansing killings to paramilitary groups and 2 such killings during this period to the guerrillas.

b. Disappearance

The 1991 Constitution and the law explicitly prohibit "forced disappearance;" however, it continued to be a problem. On May 30, Congress codified forced disappearance, genocide, torture, and forced displacement as crimes, permitting such cases to be tried in the civilian judiciary. On July 6, President Pastrana signed the law, and it entered into effect immediately. Human rights activists noted that the final law did not include a draft article stipulating that the four crimes, as serious human rights violations, must be tried in the civilian, rather than the military judiciary, when military defendants are involved, according to a 1997 Constitutional Court decision. However, advocates of the bill noted that the reformed Military Penal Code, which entered into effect August 12, did include such a stipulation. More than 3,000 cases of forced disappearance have been reported formally to the authorities since 1977; very few have ever been resolved. Many of the victims disappeared in the course of various confrontations between armed groups or with the State. The great majority of victims of forced disappearance were never seen or heard from again.

The Attorney General's office, which oversees the performance of all public sector employees, received 78 complaints related to massacres and forced disappearances during the year; approximately 75 percent of these complaints involved the army (particularly in Putumayo, Antioquia and southern Bolivar departments); the other 25 percent implicated police or DAS officials. A report of three persons who allegedly disappeared due to actions by the army has not been confirmed.

There were no reported results from the trial in a civilian court of police Major Manuel de Jesus Lozada Plazas, the former deputy commander of the Government's elite antikidnaping squads known as the GAULA, at year's end. The authorities had suspended him from duty and placed him on half-pay following his arrest in March 1997. There also have been no results reported in the investigation into cooperation between these squads and illegal paramilitary groups.

In May the Prosecutor General indicted retired Colonel Gonzalo Gil Rojas, former commander of the 20th Brigade, for responsibility in the 1989 kidnaping of Amparo Tordecillo Trujillo, a former EPL member; in December the charges were dismissed. The Prosecutor General also indicted in absentia former 20th Brigade members retired Captain Mario Raul Rodriguez Reynoso and three noncommissioned officers; they remained at large at year's end.

The law prohibits kidnaping; however, it remained an extremely serious problem. Reforms to the Penal Code enacted in June increased the minimum sentence for simple kidnaping from 6 to 8 years; the maximum is 20 years. Police figures for the year, corroborated by Free Country Foundation (Fundacion Pais Libre), registered 3,706 kidnapings during the year, compared with 3,201 in 1999. Paramilitary groups kidnaped 280 persons, while criminals kidnaped 371 persons and another 944 persons were kidnaped by unknown persons or groups. Guerrilla groups were responsible for 2,104 cases. An estimated 164 minors were in captivity at year's end. GAULA members and other units of the security forces freed 507 persons during the year (including at least 48 children); 285 of the rescued victims were held by the ELN, 82 by the FARC, 44 by the EPL (Popular Liberation Army), and the remaining 96 by either paramilitary groups or common criminals. The GAULA reported that 173 people died in captivity during the year, a 33 percent increase over 1999. Arrests or prosecutions in any

kidnaping cases were rare.

The Colombian Commission of Jurists attributed 145 forced disappearances to paramilitaries in the period from October 1999 through March. In many instances persons kidnaped by paramilitary groups later were found dead.

On March 9, a paramilitary group led by Jhon Jairo Esquivel Cuadrado kidnaped seven members of the CTI at Minguillo, Cesar department. Esquivel was captured in July and remained detained pending formal charges at year's end. There were no indications that the abducted investigators were still alive.

In May paramilitary forces kidnaped and raped journalist Jineth Bedoya (see Section 2.a.).

On June 19, Carlos Castano's AUC paramilitary group kidnaped Antioquia Deputy Guillermo Leon Valencia Cossio, brother of the Government's negotiator in the peace process with the FARC, Fabio Valencia Cossio, but released him on June 23.

In October the AUC paramilitary group kidnaped seven members of Congress, including former Senate President Miguel Pineda and Zulema Jattin, a member of a congressional peace commission, and demanded that the AUC be consulted in the peace process. The Government refused to open discussions with the AUC, but Interior Minister Humberto de la Calle negotiated the hostages' release with Castano.

Kidnaping continued to be an unambiguous, standing policy and major source of revenue for both the FARC and ELN. In April the FARC announced "Law 002," which required persons with more than $1 million in assets to volunteer payment to the FARC or risk detention. According to Pais Libre, politicians, cattlemen, children, and businessmen were guerrillas' preferred victims. The FARC often purchased victims kidnaped by common criminals; the FARC then negotiated ransom payments with the family.

On March 22, the FARC kidnaped 9-year-old Clara Oliva Pantoja and did not release her until December 19. On April 7, the FARC kidnaped 3-year-old Andres Felipe Navas; he had not been released by year's end. Both children reportedly were held in the FARC demilitarized zone. Several released kidnaped victims claim that the FARC is holding more than 200 persons in the despeje zone.

In March the ELN kidnaped 25 electrical company workers at Guatape, Antioquia. The kidnapings were part of the ELN's campaign against the country's civilian electrical infrastructure.

On September 17, the ELN kidnaped over 50 patrons of Cali restaurants. Roughly a dozen were released within a few days. After combined negotiation and military pressure, the remaining survivors were released by November, although three had died while in captivity due to illness after lengthy forced marches while the kidnapers attempted to evade the army. Over the objections of the army commander in charge of rescue, the Government allowed the captors to remain free in return for release of the remaining hostages. Brigadier General Jaime Canal Alban, commander of the 3rd Brigade, resigned to express his disagreement with the Government's decision.

On November 28, unknown assailants kidnaped 18-year-old Juliana Villegas, daughter of the head of the National Association of Industrialists, a strong supporter of the peace process; guerrillas were suspected.

Guerrillas continued to kidnap political leaders. For example, in October the FARC kidnaped a gubernatorial candidate in northern Choco department, Senator Juan Mesa, and Antioquia assemblyman Alvaro Velasquez. The Federation of Colombian Municipalities reported that at least 20 mayors were kidnaped during the year, nearly all by guerrilla groups. Many more unreported kidnapings of short duration may have been carried out. In response to this situation, some rural mayors fled to major cities, where they continued to conduct municipal business via telephone and facsimile. Guerrillas also kidnaped journalists (see Section 2.a.).

The FARC, the ELN, and other guerrilla groups regularly kidnaped foreign citizens throughout the year; some were released after weeks or months of captivity. For example, in July a representative of Doctors without Borders was kidnaped by a fringe guerrilla group and had not been heard from at year's end. In August the ELN captured and held 26 university professors and students, including several foreigners, for several days before releasing the group.

On April 8, the DAS captured ELN leader Ovidio Antonio Parra Cortes, who had been sought for his role in directing the May 1999 kidnaping of 174 persons from Cali's La Maria Catholic Church. The army's Third Brigade also arrested seven men believed to have helped carry out the La Maria hostage-taking.

By year's end, all of the 41 occupants of an airplane hijacked by the ELN in April 1999 had been released; 1 died

in captivity in 1999 due to a lack of needed medications.

Despite government search efforts and continued pressure by the Government on the FARC to account for three American missionaries kidnaped by FARC guerrillas in January 1993, their whereabouts and condition remained unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and criminal law explicitly prohibit torture, as well as cruel, inhuman, or degrading treatment or punishment; however, police and military torture and mistreatment of detainees continued. On May 30, Congress codified torture as a crime (see Section 1.b.), and the reformed Military Penal Code directed that cases of torture involving military and police defendants be tried in the civilian, rather than the military, courts. The Attorney General's office, which only can sanction administratively or refer to the Prosecutor General's office those it finds guilty, did not sanction any security force members for torture during the year. Contrary to previous years, the Attorney General's office, which received 119 complaints of torture in 1998, did not receive any complaints of torture by state agents during the year. The Colombian Commission of Jurists reported one case in the period from October 1999 to March. During the first 9 months of the year, CINEP reported that 79 persons were injured by state forces. During the year, the Military High Court convicted 52 service members for causing injuries.

The Colombian Commission of Jurists reported that from October 1999 through March, 136 corpses of persons presumed killed by paramilitary forces showed signs of torture; there were 14 similar cases attributed to guerrillas; one case attributed to an unidentified unarmed group; and none by the State. Of victims who survived torture, the Commission attributed one case to public security forces and four cases to paramilitary groups. In March the Ministry of Defense reported that the Superior Military Tribunal convicted 53 service members for inflicting bodily injuries.

On March 10, a Bogota prosecutor issued an arrest warrant for four policemen for allegedly beating detainees Jorge Amilkar Murcia, Juan Antonio Rodriguez Ochoa, and a third unnamed victim, taking them to a bridge, and forcing them to jump. Rodriguez survived and reported the crime to the authorities; Murcia's body was never found.

According to Human Rights Watch, on June 18, troops from the Rebeiz Pizarro Battalion fired upon a car carrying six adults and two children; all occupants were wounded.

In December the Prosecutor General's human rights office indicted Colonel Jose Ancizar Molano Padilla (then-commander of the 2nd Marine infantry battalion), Captain Alvaro Hernando Moreno, Captain Rafael Garcia, Lieutenant Carlos Eduardo Jaramillo, and four noncommissioned officers for torturing 12 marines with asphyxiation and electric shocks in December 1995. The victims were tortured to determine the whereabouts of two lost assault rifles. Colonel Molano and his accused subordinates remained in detention and are expected to be tried in a civilian court. In December the Attorney General's office concluded its investigation of the same incident and ordered a 3-month suspension from duty for Colonel Molano. It also suspended Captain Moreno, Lieutenant Jaramillo, seven noncommissioned officers, and one private.

Four Venezuelans arrested in May 1999 in the course of a military antiguerrilla operation who subsequently claimed that the 3rd army Special Forces Battalion tortured and inflicted other cruel, inhuman, and degrading punishment against them were remanded to the custody of the Venezuelan Embassy and finally allowed to return to Venezuela. The Venezuelan Government also asked for an investigation in relation to five other persons who were with these four men at the time of their capture. The bodies of two of these five persons subsequently were found in a river; the other three allegedly disappeared following the operation.

Paramilitary groups increasingly used threats both to intimidate opponents and to raise money. Letters demanding payment of a war tax and a threat to mark victims as a military target if they failed to pay were typical. In 1999 CINEP reported that nearly half of those threatened were public school teachers and that approximately half of all threat recipients were residents of Antioquia department.

Guerrilla groups also tortured and abused persons. The bodies of many persons detained and subsequently killed by guerrillas showed signs of torture and disfigurement. For example, one soldier captured by the FARC was subjected to several machete blows to the head until the entire left side of his head was destroyed. While he was still alive, his genitalia were cut off and acid was poured on his face. The military reported that another soldier and his brother were captured by the FARC while on a bus, subsequently were tortured and decapitated, and their heads were sent to their father inside a box. The Colombian Commission of Jurists reported 17 cases of torture by guerrillas during the period from October 1999 to March.

Guerrillas also routinely used threats, both to intimidate opponents and to raise money, and--like the paramilitary groups--sent letters demanding payments of a war tax, along with threats to make persons military targets. Guerrillas also killed, kidnaped, and threatened mayoral candidates (see Section 3).

According to press reports, in July explosive devices damaged three businesses in downtown Barrancabermeja, Santander department. The authorities stated that the ELN demanded that local businessmen attend a mandatory meeting and that the bombs were punishment against those who failed to attend. In April the FARC announced "Law 002," which required persons with more than $1 million in assets to volunteer payment to the FARC or risk detention. In August the FARC bombed as many as 13 businesses in Medellin in retaliation for nonpayment of a FARC-imposed "war tax."

Prison conditions are harsh, especially for those prisoners without significant outside support. Severe overcrowding and dangerous sanitary and health conditions remained serious problems. In December 1997, a visiting IACHR mission declared that the living conditions in Bogota's La Picota prison constituted "cruel, inhuman, and degrading treatment of the inmates," and these problems continue. Prison guards from the INPEC report to the Ministry of Justice. There are approximately 7,000 prison guards. Guards and prison staff frequently are untrained or corrupt. In response to what was called a "disciplinary emergency," INPEC's disciplinary office reported in September that it had removed 159 prison guards and was investigating 651 INPEC officials for irregularities in performing their duties. Prisoners are suspected of killing or ordering the killing of 22 guards in 1999.

According to the Committee for Solidarity with Political Prisoners, a majority of prisoners' food was provided by outside, private sources. In 1999 INPEC reported that the daily food allowance for each prisoner was $1.44 (2,700 pesos). According to INPEC, the country's prisons and jails held approximately 50,702 inmates at year's end, significantly more than their capacity of 31,000 persons. The addition of a new prison in Valledupar, Cesar department, and the renovation of other facilities added 3,000 spaces over the past 3 years but was offset by an increase of approximately 10,000 prisoners over the same period. According to the Ministry of Defense, 20 percent of the country's inmates are in the 10 most crowded prisons, which have an average occupancy rate of 200 percent. In a number of the largest prisons, overcrowding was severe. Medellin's Bellavista prison, the country's largest, was built to house 1,800 inmates; at year's end, it housed 6,575 inmates. Bogota's La Modelo prison had a 169 percent occupancy rate, and the Palmira prison outside Cali held 192 percent above its planned capacity.

In February the Justice Ministry announced a plan to renovate prisons and build 11 other new prisons over the next 3 years, expanding prison capacity by 18,000 persons. In July Congress approved the financing of the remaining announced facilities. Only 8,000 prisoner accommodations met international standards. A total of 17.8 percent of the country's prisons were between 40 and 80 years old, 3.5 percent were between 80 and 201 years old, and 2.4 percent were more than 201 years old.

In November approximately 12,000 women and children, who were visitors to the prisons, protested prison conditions by spending 72 hours inside 7 prisons, including Bogota's La Modelo. The Government negotiated with inmate representatives and human rights NGO's to ensure the peaceful exit of the protesters by agreeing to convoke the National Roundtable on Penitentiary Work, an intersectoral commission that includes inmate representatives, in December.

An estimated 42 percent of all prison inmates are pretrial detainees. The remaining 58 percent are split roughly between those appealing their convictions and those who have exhausted their appeals and are serving out their terms. There are no separate facilities for pretrial detainees and convicted prisoners. According to the Ministry of Defense, 4,145 persons (8 percent of inmates) are in pretrial detention in police stations. Despite an August 1999 Constitutional Court ruling which obligated the transfer of detainees from overcrowded police station holding cells to prisons, Bogota's 21 police stations still hold 1,657 prisoners awaiting transfer to prisons.

Local or regional military and jail commanders did not always prepare mandatory detention registers or follow notification procedures; as a result, precise accounting for every detainee was not always possible.

There are separate prison facilities for women, and in some parts of the country, separate women's prisons exist. Conditions at women's prisons are similar to those at men's prisons but are far less violent. According to the Criminal Procedures Code, no one under the age of 18 may be held in a prison. Juveniles are held in separate facilities operated by the Colombian Institute for Family Welfare (ICBF).

The reformed Penal Code requires sentences of 3 to 6 years for prison escapes. Escapes from prison continued to be a problem. There were six major riots in prisons. On February 3, six prisoners were killed and two were wounded during a confrontation between members of paramilitary groups and guerrillas at Bogota's La Picota

Prison.

In April members of paramilitary groups and guerrillas engaged in a 12-hour battle inside Bogota's La Modelo prison, ending a 2-month truce, and employed a wide variety of firearms and other weapons. Thirty-two inmates were killed, and 35 were wounded. In response, 1,200 members of the National Police entered La Modelo prison to retake control. Among prohibited items found were cellular telephones, handguns, shotguns, assault rifles, hand grenades, explosives, dogs trained to attack, illicit drugs, and alcohol. Police found a sauna and gym in a FARC commander's cell and also discovered a working brothel. Authorities brought a variety of charges, including homicide and rape, against 20 prisoners. In July Jorge Ospina Trujillo, reportedly a member of a paramilitary group, escaped from the Bellavista prison in Medellin, Antioquia department. According to the authorities, Ospina was one of the prisoners responsible for the April massacre in La Modelo prison in Bogota.

Guerrillas launched several attacks against prisons holding guerrilla prisoners, facilitating numerous escapes. For example, during its April 2-3 offensive, the ELN attacked a prison at Cucuta, Norte de Santander department, initiating the attack with a car bomb. Some 75 prisoners, including approximately 50 ELN and FARC guerrillas, escaped. Four prisoners were killed and four prisoners were wounded in the fighting.

Key narcotics traffickers and some guerrilla leaders obtain cells with many comforts, some of which--such as access to two-way radios, cellular telephones, and computers--allowed them to continue their illegal activities from inside jail. In July the authorities dismantled a sophisticated telecommunications center in the district and Picalena prisons in Ibague, Tolima, department. Forty-six prisoners between the 2 prisons used cellular telephones to extort money or negotiate ransom. To prevent this type of activity, on July 27, President Pastrana announced that he would issue a resolution making it mandatory for telephone companies to provide caller identification service to all customers.

The International Committee of the Red Cross (ICRC) continued to have routine access to most prisons and police and military detention centers.

The ICRC continues to have ad hoc access to civilians held by paramilitary groups and guerrilla forces. However, it has not been granted access to members of the police or military who are held by guerrilla groups.

d. Arbitrary Arrest, Detention, or Exile

The Constitution includes several provisions designed to prevent illegal detention; however, there continued to be instances in which the authorities arrested or detained citizens arbitrarily.

The law prohibits incommunicado detention. Anyone held in preventive detention must be brought before a prosecutor within 36 hours to determine the legality of the detention. The prosecutor must then act upon that petition within 36 hours of its submission. Despite these legal protections, instances of arbitrary detention continued.

Conditional pretrial release is available under certain circumstances, for example, in connection with minor offenses or after unduly lengthy amounts of time in preventive detention. It is not available in cases of serious crimes, such as homicide or terrorism.

Guerrillas, particularly the FARC, pressed the Government and Congress to adopt a permanent prisoner exchange law. Initiating regular prisoner exchanges remained a top guerrilla priority and featured prominently in the FARC's negotiating points at the peace talks. Neither the Congress nor the Government attempted to pass such legislation, and there was minimal popular support for it during much of the year. On September 27, the Attorney General proposed the implementation of an existing law that allows for the exchange of prisoners during armed conflict. In October the public debate on prisoner exchange revived when photographs emerged of 261 police and military hostages being held in outdoor fenced enclosures. The U.N. High Commissioner for Human Rights (UNHCHR) expressed deep concern for the well-being of the hostages and called on the FARC to permit ICRC access. At year's end, 527 soldiers and police are presumed held by the FARC and ELN, and the ICRC had not been permitted access to them.

The Constitution prohibits exile, and forced exile is not practiced by the State. However, there were repeated instances of individuals pressured into self-exile for their personal safety. Such cases included persons from all walks of life, including politicians, human rights workers, slum-dwellers, business executives, farmers, and others. The threats came from various quarters: some individual members of the security forces, paramilitary groups, guerrilla groups, narcotics traffickers, other criminal elements, or combinations of the above.

e. Denial of Fair Public Trial

The civilian judicial system, reorganized under the 1991 Constitution, is independent of the executive and legislative branches both in theory and in practice; however, the suborning or intimidation of judges, witnesses, and prosecutors by those indicted or involved is common. The Human Rights Ombudsman's office reported receipt of 773 complaints of denial of the right to due legal process during 1999, the most recent year for which statistics were available. The office received 1,353 complaints in 1998.

The judiciary includes the Constitutional Court, Supreme Court of Justice, and the Council of State, the Superior Judicial Council, and lower courts. The Prosecutor General's office is an independent prosecutorial body that brings criminal cases before the courts. Article 234 of the new Military Penal Code states that the Supreme Court (not the Superior Military Tribunal) has first instance jurisdiction in cases involving criminal acts by generals, admirals, major generals, vice-admirals, brigadier generals, rear admirals, and magistrates and prosecutors of the Superior Military Tribunal. Cases that already were in their trial phase by August 12, 1999, must continue under the old military penal code; however, this article applies to all cases brought to trial after that date, regardless of when the crime was committed. Article 234 also states the Supreme Court is the court of second instance review of rulings by the Superior Military Tribunal, effectively asserting the authority of the Supreme Court--a body composed entirely of civilian magistrates--over the military judiciary. The Council of State is the appellate court for civil cases. The Constitutional Court adjudicates cases of constitutionality, reviews all decisions regarding writs of protection of fundamental rights ("tutelas"), and reviews all decisions regarding motions for cessation of judicial proceedings. Jurisdictional clashes among the Constitutional Court, Supreme Court of Justice, the Council of State, and the Superior Judicial Council were common, due to the lack of a single supreme judicial authority capable of deciding issues of jurisdiction or constitutional interpretation.

The CSJ, which oversees the administration of the judiciary, also has the responsibility of determining whether individual cases involving members of the security forces are to be tried in civilian or military courts. On August 17, President Pastrana issued a directive to the armed forces and the police that stated that the new Military Penal Code "excludes from military criminal jurisdiction the crimes of genocide, torture, and forced disappearance" and that "acts against humanity do not fall under the jurisdiction of the military courts." The directive also "raises to the category of law" a 1997 Constitutional Court decision that serious human rights violations and other crimes not directly related to acts of service must be tried by civilian courts.

On April 6, the Constitutional Court overturned much of the 1999 law that had created the specialized jurisdiction (which had replaced the anonymous ("faceless") regional courts system on July 1, 1999). The Constitutional Court found that defendants have the right to know the identity of their accusers and that elements of the law that permitted some prosecutors and witnesses to remain anonymous under exceptionally dangerous circumstances were unconstitutional. The Court ruled that specialized jurisdiction judges and prosecutors no longer could transfer cases to other colleagues when they believed their own security to be at risk. The Court also ruled that persons detained for any of the crimes designated in the legislation may request to be confined in their homes and may request special permission to go to work, as is the case in the regular civilian judiciary. The Court permanently closed the appeals court for the specialized jurisdiction. The remaining first instance specialized jurisdiction courts continued to have responsibility for trying certain crimes, including crimes of kidnaping, hijacking, paramilitarism, narcotics trafficking, money laundering, and human rights abuses. Specialized jurisdiction prosecutors still are permitted 12 months to investigate and develop cases, rather than the 6 months afforded to regular civilian judiciary prosecutors.

As part of the Ministry of Defense, the military judiciary falls under the executive branch, rather than under the judicial branch. The armed forces commander is also the president of the military judiciary. The workings of the military judiciary lack transparency and accountability, contributing to a generalized lack of confidence in the system's ability to bring human rights abusers to justice. On August 12, a new Military Penal Code replaced the outdated one, which predated the 1991 Constitution and did not contemplate some contemporary crimes. (President Pastrana signed it into law in August 1999.) The Constitutional Court ruled that no implementing legislation was needed and instructed the Ministry of Defense to implement the new Military Penal Code. Provisions of the new code include the following: unit commanders no longer may judge their subordinates; an independent military judicial corps is to be created; and service members are to be protected legally if they refuse to carry out illegal orders to commit human rights abuses. The reformed code states that torture, genocide, and forced disappearance could never be related to "acts of service," which is the constitutional standard for trying crimes in the military judiciary, and stipulates that these crimes therefore always must be tried in the civilian judiciary (see Sections 1.a. and 1.b.). The reformed Military Penal Code also gives representatives of the civilian judiciary the right to be present at military trials of military personnel.

The new military justice system is composed of magistrates of the Military Court of Appeals, lower military court judges, investigating judges, prosecutors, and judge advocates (auditor de guerra) at the General Inspector, division, and brigade levels. Brigadier General Jairo Pineda was appointed to head the Executive Directorate of the military penal justice system and is to report directly to the Minister of Defense, a civilian. Military prosecutors report to Brigadier General Pineda, not to unit commanders as under the previous system.

According to press reports, on August 16, the Military Penal Tribunal appointed its first three prosecutors as part of the new Military Penal Code. New prosecutors also were appointed for the military forces as a whole and one for each branch of the military and the police. On August 17, the prosecutors began to analyze and rule in military proceedings.

A 1997 Constitutional Court decision directed the military judicial system to relinquish to the civilian judiciary the investigation and prosecution of serious human rights violations and other alleged crimes not directly related to acts of service--the 1991 constitutional standard for determining whether a case should be tried by the military or civilian judiciary. The CSJ assigned most cases involving high-level military personnel to the military courts, where convictions in human rights-related cases were the rare exception. According to the 1991 Constitution, general-rank officers are to be tried by the Supreme Court; however, that provision was ignored in practice. No definitive court ruling has resolved various judicial interpretations of the provision; however, a majority of decisions appear to suggest that this provision applies only to full generals. The Court ruled that military justice was the exception to the general rule and that, in the case of doubt, jurisdiction should be assigned to the civilian system. In determining which alleged crimes were to be tried by military tribunals, the CSJ sometimes employed a broad definition of acts of service, thus ensuring that uniformed defendants of high rank, particularly the most senior, were tried in military tribunals. During the year, the CSJ assigned two key cases to civilian jurisdiction: the case against Major Clavijo and the Nydia Bautista case (see Section 1.a.). In addition, CSJ figures quoted by the Ministry of Defense indicated that, where conflicts of jurisdiction arose, the total number of cases assigned to military courts dropped from 50 percent in 1992 to approximately 15 percent in 2000, while cases assigned to civilian jurisdiction rose from 40 percent in 1992 to 60 percent over the same period.

According to figures released by the Ministry of Defense in December, since the 1997 Constitutional Court decision, the military judiciary has transferred 1,136 cases to the civilian judicial system; there was no information available as to how many of these cases dealt specifically with human rights abuses or violations of international humanitarian law, nor how many cases remained in the military judicial system. However, a March report by the Ministry of Defense reports that 41 percent of the cases transferred involved serious crimes such as homicide, torture, illegal detentions, and infliction of bodily injuries; the rest were common crimes. Out of the total of 1,307 police and military cases transferred, 496 cases were transferred during the year, 79 in 1999, 266 in 1998, 295 in 1997, and 171 cases were transferred on an unknown date. According to year-end report of the Ministry of Defense, the military judiciary during the year found 122 members guilty of violating "human or fundamental rights." The average prison sentence was 58 months for homicide and 15 months for inflicting bodily injury.

The military judiciary demonstrated an increased willingness during the year to turn cases of military officers who were accused of human rights violations or criminal activities over to the civilian judiciary; however, such officers generally were of lower rank. A July CSJ ruling suggested that it considered itself bound by the Constitutional Court's 1997 decision that certain human rights violations could not be considered acts of service and therefore must be tried in civilian courts. Between January and November, 80 cases were transferred.

In October 1998, the CSJ had determined that Brigadier General Fernando Millan Perez's alleged organization of a paramilitary group constituted an act of service and therefore had turned General Millan's case over to the military judiciary for prosecution (see Section 1.a.). In reaching its decision, the CSJ had determined that it was not bound by the Constitutional Court's narrow 1997 interpretation of the 1991 constitutional standard of relation to acts of service. The CSJ's decision effectively ended the Prosecutor General's investigation into whether General Millan had provided weapons and intelligence to paramilitary groups in Santander department.

On September 14, President Pastrana signed 12 decrees to reform and strengthen the military. One decree provides for the separation from service of all uniformed members of the military regardless of their time in service, at the discretion of the top military commanders. Previously, the Minister of Defense could at his discretion separate from service only those who had served at least 15 years in the military. Other decrees establish three levels of misconduct and the crimes classified at each level. A total of 27 crimes are punishable with immediate dismissal; these include: Torture, forced disappearance, genocide, facilitating by any means the knowledge of protected information or access to classified documents without authorization, failure to enter into combat or to pursue the enemy having the capacity to do so, and retreating before the enemy or abandoning post without having used elements of defense that might be available. A higher-ranking officer such as a unit commander is granted initial authority to issue disciplinary sanctions. Those under investigation may be suspended for up to 90 days with half pay; those suspended may perform administrative duties. The decrees also state that in the event that another authority should be informed of crimes, the military must inform that authority and provide all relevant information to it. Another decree states that, with limited exceptions, any officer sentenced to prison by the military or the civilian justice system is to be separated from service.

On October 16, the military dismissed 388 members of the armed forces, including 89 officers. According to press reports, these included 2 lieutenant colonels and 15 majors. No information was available from the Ministry of Defense regarding the specific reasons for any of the dismissals, nor were their names announced; it was not

known how many were dismissed due to allegations that they were responsible for human rights abuses or for collaborating with paramilitary groups in such abuses.

In cases in which military officers were tried, convicted, and sentenced for human rights violations, they generally did not serve prison terms but were confined to their bases or military police detention centers, as permitted by law. Military prisoners remain on active duty (and reduced pay) while in detention but are relieved from command responsibilities. In other cases members of the military can be suspended pending investigation, as occurred in the August Pueblo Rico killings (see Section 1.g.). Some perform administrative functions while in detention. Armed Forces Commander General Tapias cited a lack of adequate military prison facilities as a primary cause for escapes from military detention areas. For example, on March 14, suspected Casanare department paramilitary leader Humberto Caicedo Grosso escaped from military confinement at the 14th Brigade's headquarters. The authorities detained five brigade members for failing to stop Caicedo's escape.

The Constitution provides for a special criminal and civil jurisdiction within Indian territories based upon traditional community laws (see Section 5).

Judges have long been subject to threats and intimidation, particularly when dealing with cases involving members of the public security forces or of paramilitary, narcotics, and guerrilla organizations. Violent attacks against prosecutors and judges continued, and prosecutors, judges, and defense attorneys continued to be subjected to threats and acts of violence. On April 3, specialized jurisdiction prosecutor Margarita Maria Pulgarin Trujillo was killed in Medellin; AUC members were the prime suspects in her killing. Prosecutors reported that potential witnesses in major cases often lacked faith in the Government's ability to protect their anonymity and were thus unwilling to testify, ruining chances for successful prosecutions. In June Congress approved Penal Code and Penal Procedural Code reforms that created a number of new crimes such as genocide (see Section 1.b.), but reduced the sentences for a number of serious crimes, including kidnaping and extortion, and the amount of time served necessary for parole. The new Penal Code and Procedural Code are scheduled to go into effect in 2001. It still was difficult for defense attorneys to impeach or cross-examine anonymous witnesses, and often the defense attorneys did not have unimpeded access to the State's evidence.

The Attorney General's office investigates misconduct by public officials, including members of the military and police. The Attorney General's office can draw upon a nationwide network of hundreds of government human rights investigators covering the country's 1,085 municipalities. The office received 78 complaints related to massacres and forced disappearances during the year. Approximately 75 percent of these complaints involved the army (particularly in Putumayo, Antioquia and southern Bolivar departments); the other 25 percent implicated police or DAS officials. Its constitutional mandate only provides for the imposition of administrative sanctions; it has no authority to bring criminal prosecutions or impose criminal sanctions but can refer all cases to the Prosecutor General's office for investigation. Contrary to previous years, the Attorney General's office referred all cases of human rights violations received during the year to the Prosecutor General for investigation. The Attorney General's office reported that the majority of these cases are investigated by the Prosecutor General's office.

In August a judge convicted of "corrupt practice" for her 1999 exoneration of billionaire emerald magnate Victor Carranza on charges of paramilitarism was released after serving less than half of her 46-month term. Carranza remained in prison due to his prior convictions for homicide and kidnaping.

The Supreme Court elects the Prosecutor General for a 4-year term, which does not coincide with that of the president, from a list of three candidates chosen by the President. The Prosecutor General is tasked with investigating criminal offenses and presenting evidence against the accused before the various judges and tribunals. However, this office retains significant judicial functions and, like other elements of the civilian judiciary, it is struggling to make the transition from a Napoleonic legal system to a mixed one that incorporates an adversarial aspect.

In an attempt to deal with impunity, the Prosecutor General in 1995 created a special human rights unit as part of the regional courts system. The unit has achieved significant results; as of November, its group of 30 anonymous prosecutors had handled 918 cases involving massacres, extrajudicial killings, kidnapings, and terrorism during the year. These prosecutors have issued arrest warrants against members of the security forces and of paramilitary, guerrilla, and drug trafficking organizations. The unit arrested 192 suspects during the year.

During the year, the human rights unit of the Prosecutor General's office investigated, indicted, or prosecuted 286 security force members, including at least 11 officers, on a variety of charges including homicide, torture, kidnaping, and sponsorship of paramilitary groups. The Attorney General's office and the security forces demonstrated a greater willingness to follow up with instructions that those ordered arrested be removed from their duties, denied the right to wear a uniform, or turned over to civilian judicial authorities. However, impunity continued to be very widespread.

The Constitution specifically provides for the right to due process. Judges determine the outcome of all trials; there are no jury trials. The accused is presumed innocent until proven guilty and has the right to representation by counsel, although representation for the indigenous and the indigent historically has been inadequate. In mid-1999, the CSJ's administrative chamber reported that the civilian judiciary suffered from a backlog of approximately 3,069,000 cases (including approximately 604,000 penal cases) and that there were approximately 338,000 outstanding arrest warrants. Approximately 223,000 writs for protection of fundamental rights ("tutelas") were before the Constitutional Court for its legally mandated review.

Defendants in trials conducted by the regular courts have the right to be present and the right to timely consultation with an attorney. Regular court defendants and their attorneys have the right to question, contradict, and confront witnesses against them, to present witnesses on their own behalf, and to have access to government evidence relevant to the case. The country's judiciaries, including regular civilian, specialized jurisdiction, and military, continue to be overwhelmingly Napoleonic in character; everything is processed in writing. Public trials are still rare, and there are no juries; however, cross-examination of witnesses does occur. Defendants also have the right to appeal a conviction to a higher court.

In addition to providing public defense attorneys in criminal cases, the Human Rights Ombudsman's 34 departmental and regional offices throughout the country provide a legal channel for thousands of complaints and allegations of human rights violations. However, in practice, the Ombudsman's operations are underfunded and understaffed, slowing its development of a credible public defender system.

Within the FARC-controlled despeje zone, local FARC leaders effectively supplanted judicial authorities and declared the establishment of an alternative, FARC-run "justice system." Residents of the zone regularly were denied the right to a fair trial. In the face of FARC intimidation, all elements of the civilian judiciary fled the zone. In 1999 Prosecutor General Alfonso Gomez Mendez publicly said that they would return only "when accompanied by the security forces." In September the FARC gave haven to a FARC guerrilla who had hijacked an airplane and refused to release him to government authorities. Continuing concern about arbitrary FARC justice in the zone led the authorities to stress that governmental justice must be present.

The Government states that it does not hold political prisoners. The ICRC reported that it monitored approximately 3,900 cases of imprisoned citizens accused of terrorism, rebellion, or aiding and abetting the insurgency, which are crimes punishable under law.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law provides for the protection of these rights; however, at times the authorities infringed upon them. The law generally requires a judicial order signed by a prosecutor for the authorities to enter a private home, except in cases of hot pursuit. The Ministry of Defense continued training public security forces in legal search procedures that comply with constitutional and human rights. Due to intimidation, corruption, or the absence of evidentiary proof collected directly by prosecutors, guerrilla suspects captured by the security forces in or out of combat and turned over to the judicial authorities routinely were set free.

A judicial order or the approval of a prosecuting attorney is required to authorize the interception of mail or the monitoring of either landline or cellular telephones. This protection extends to prisoners held in jails. However, various state authorities sometimes monitored telephones without obtaining prior authorization. There were unconfirmed reports by some human rights groups that members of the security forces subjected them to surveillance, harassment, or threats.

A preliminary investigation begun by the Prosecutor General's anticorruption unit in December 1999 determined that elements of the Administrative Department of Security had engaged in illegal wiretapping in Bogota over the course of several years. As of April, eight DAS officers were in custody, and another officer was sought. Having found sufficient evidence, on June 20, the Prosecutor General opened a formal investigation. This was the first instance in which the Prosecutor General pressed charges against a state entity for interference with privacy. The investigation continued at year's end.

Guerrillas also used wiretaps and accessed bank accounts of citizens at roadblocks in order to select kidnap victims.

There are some child soldiers among the paramilitary groups, who were recruited forcibly (see Sections 1.g. and 5).

Guerrillas regularly forcibly recruited children and indigenous people to serve as soldiers (see Sections 1.g and

5).

g. Use of Excessive Force and Violations of Humanitarian

Law in Internal Conflicts

The internal armed conflict and narcotics trafficking are the central causes of violations of human rights and international humanitarian law. Government security forces at times violated international humanitarian law and continued to commit serious human rights abuses, although the great majority of serious abuses were committed by paramilitary groups and guerrillas.

In October the ICRC suspended evacuations of wounded combatants after the murder of a wounded guerrilla by paramilitary forces near Apartado, Uraba region, Antioquia department, and of a wounded member of a paramilitary group by guerrillas in Putumayo. In both cases the victims forcibly were taken from ICRC vehicles. The ICRC resumed medical evacuations of combatants in December.

On February 24, the Government announced the creation of an interagency intelligence committee, chaired by the Minister of Defense and including members of the police, the Prosecutor General's office, the Attorney General's office, and the DAS, to improve the State's ability to track down and engage or capture members of paramilitary groups. However, at year's end there was little tangible evidence that the committee was functioning.

The ICRC reported that the Government, including military authorities, followed an open-door policy toward the ICRC and readily incorporated Red Cross curriculums on international humanitarian law in standard military training. However, impunity remains a problem. According to military sources, local commanders typically preferred to transfer or discharge soldiers accused of serious human rights violations, rather than initiate legal proceedings. On May 30, Congress passed legislation that codified forced displacement as a crime and provided for sentences of between 15 and 40 years' imprisonment; the legislation also codified genocide and forced disappearance as crimes (see Section 1.b). Departing from the historical, internationally accepted definition of genocide, and in response to the killings of thousands of members of the Patriotic Union leftist coalition (see Section 1.a.), the law codified "political genocide" as a crime. However, it stipulated that political genocide could be committed only against members of legally constituted (i.e., nonguerrilla) groups.

On August 15, an army unit of 30 soldiers operating near Pueblo Rico, Antioquia, mistook a party of schoolchildren for a guerrilla unit and opened fire, killing 6 children between the ages of 6 and 10, and wounding 6 others. According to press interviews, the soldiers did not realize at the time that the persons that they were shooting were children. On September 28, a military justice panel provisionally disassociated 14 of the soldiers and allowed them to return to duty. The remaining 16 soldiers, including patrol commander Sergeant Jorge Enrique Mina Gonzalez, remained under investigation at year's end. On December 22, the Attorney General charged Sergeant Mina, and corporals Avilio Pena Tovar and Ancizar Lopez, stating that the three confused a 15-year-old girl in the group with a guerrilla but that they willfully used indiscriminate force. The Attorney General's office exonerated the other 27 soldiers involved in the incident. The Prosecutor General's office determined that the act was unintentional harm caused in the course of duty and referred the case to the military justice system, where it remained at year's end.

In May the human rights unit of the Prosecutor General's office recommended that the air force reopen its investigation into the December 1998 Santo Domingo, Arauca department, incident in which an air force helicopter was accused of bombing civilians in the course of combat with the FARC. A total of 19 civilians were killed, and 25 others were wounded. The Prosecutor General's office based its recommendation on new evidence after the office subpoenaed three helicopter crew members and obtained an analysis of metal shards. An air force commander reportedly charged the FARC with planting shards at the scene. In December the air force revisited the zone prior to making a decision on whether to open formally an investigation. In November the Attorney General's office charged air force lieutenants Johan Jimenez Valencia and Cesar Romero Pradilla (the pilot and copilot of the helicopter) and flight technician Hector Mario Hernandez Acosta with indiscriminate use of force.

According to the Independent Advisory Committee for Human Rights and Displacements (CODHES), 317,340 displacements of civilians from their homes occurred during the year; government sources estimate that 125,000 persons were displaced. (Exact numbers of displaced persons are difficult to obtain because some persons were displaced more than once, and many displaced persons do not register with the Government or other entities.) According to CODHES, approximately 288,000 displacements occurred during 1999. As many as 1 million citizens may have been displaced since 1996. The ICRC provided emergency assistance to 135,000 displaced persons during the year. An alliance of human rights, religious, and aid organizations stated that an estimated 2 million persons had been displaced by political violence since 1985. CODHES states that some persons have been displaced for as long as 10 years, but it is unable to identify a typical timeframe for displacement. Some persons return to their homes within days or weeks, others within months, and some never return. Some

displaced persons move several times after fleeing their original home, making tracking difficult. The Government does not consider persons to be displaced after 2 years. CODHES estimated that perhaps 65 percent of displacements became permanent. In an attempt to determine the true scope of the problem, the Government, in cooperation with the U.N. High Commissioner for Refugees (UNHCR), developed a computerized system for collecting data on the displaced and estimating total numbers.

The vast majority of displaced persons are peasants who have been displaced to cities, which have had difficulty integrating large numbers of persons into their infrastructure. According to CODHES, in 1999 approximately 53 percent of displaced persons were women and girls, 32 percent of displaced households were headed by women, and 70 percent of the displaced population were children. The Human Rights Ombudsman's office reported that only 15 percent of displaced children have access to schools. Many displaced persons settle on the outskirts of Bogota, Medellin, and Cartagena, where conditions are overcrowded and unsanitary, and smaller municipalities have been overwhelmed by the need for services. Malnutrition among displaced children is a problem. Many displaced persons lost access to health care, employment, and education (see Section 5). CODHES estimates that only 34 percent of displaced households have access to health services. According to the UNHCR, approximately one-third of displaced persons are indigenous people or blacks; these groups represent only 11 percent of the population. In 1999 the office of the U.N. Commission on Human Rights received reports of threats and attacks against displaced communities and their leaders; threats against individuals and groups working with the displaced increased in 1999, especially in the regions of Magdalena Medio and Uraba.

Both paramilitary groups and guerrillas used forced displacements to gain control over disputed territories and to weaken their opponents' base of support. In some cases, entire towns were abandoned after paramilitary or guerrilla attacks. The authorities sometimes encouraged civilian populations to move back to their homes before security situations had normalized.

The Government's response to the needs of the displaced population continued to be inadequate. The Government has no systematic program or budget to make adequate provisions for humanitarian assistance to the displaced, although it is required by law and court decisions to do so. Conditions at the Government's two camps for displaced persons in Uraba, at Pavarando and Turbo, were poor and unhygienic; health care remained poor, and there were few educational or employment opportunities. However, conditions at a temporary government shelter for displaced persons at the stadium at Cucuta, Norte de Santander department, were much better. The Government provides assistance through the Solidarity Network, the ICBF, the Health Ministry, and other state entities. The Solidarity Network was neither designed nor prepared for emergency humanitarian assistance work, and it usually provided such assistance only to refugees returning to the country. In March 1999, the Government estimated that the ICRC provided 70 percent of humanitarian assistance received by displaced persons. Private estimates were higher. Most displaced citizens receiving ICRC emergency humanitarian assistance received it for only 90 days. The Government also tries to limit assistance to 90 days; however, some displaced persons in the camps at Turbo and Pavarando, and in a stadium in Cucuta, received aid for a longer period. During the year, ICRC provided emergency assistance to 130,000 internally displaced persons.

Hundreds of displaced persons also fled to Panama, Ecuador, and Venezuela, where they often were denied refugee status, treated as illegal immigrants, and denied protection or assistance, and often were returned to Colombia. The UNHCR has an office in Bogota to address the problem and opened field offices in Barrancabermeja in 1999 and in San Jose de Apartado, Uraba and in Puerto Asis, Putumayo during the year.

On January 4, a group of internally displaced persons violently took over the ICRC's Bogota offices; they injured 3 local ICRC employees and detained 37 ICRC workers for 13 hours, then allowed most staff to leave the building. On February 22, such a group again forcibly detained members of the ICRC staff, a representative from the Attorney General's office, and two journalists for 9 hours. Also on that day, members of the same group tried to occupy the Bogota headquarters of the Social Solidarity Network; the police arrested them. In April the ICRC abandoned offices in Bogota that had been occupied by approximately 60 internally displaced persons since December 1999. Despite a December Constitutional Court ruling that the Government should assist the group, at year's end, the group still occupied the old ICRC premises.

According to the Vice President's office, there are more than 70,000 antipersonnel landmines in the country, located throughout 135 municipalities in 23 departments. Some 20,000 mines are maintained by the military to defend static positions. According to the International Campaign Against Mines, 63 persons were killed by mines in 1999. The Ministry of Defense reported that 10 military personnel were killed or wounded by antipersonnel mines during the first 7 months of the year. There is no generalized mine clearance program. However, in January the army deactivated 20 guerrilla landmines in southern Bolivar. Four civilians had been injured recently by landmines in the area. In August the military cleared two mine fields in Cundinamarca department. From 1998 to mid-2000, the Ministry of Defense reported that the military had cleared 120 FARC minefields and 39 ELN minefields.

The Human Rights Ombudsman's office reported continued violence against women, especially in war zones. It

noted that most female victims in zones of conflict chose not to report the abuses they had suffered, in part due to a lack of confidence in the efficacy of governmental institutions to address their problems. The Ombudsman noted that female leaders of political and peasant organizations in the Uraba-Antioquia region were increasingly the targets of persecution, threats, torture, and executions. According to the Ombudsman's 1999-2000 report, intrafamilial violence, sexual assault, and murder of women remained serious problems throughout the country (see Section 5). More than 30 percent of FARC members are female.

Contrary to previous years, there were no reports during the year that the Government militarized public hospitals in conflict areas, which increased the risk that the hospitals would become targets of guerrilla attack. In March the Constitutional Court ruled that state security forces could not maintain installations (such as police stations) next to schools, so as to not endanger the lives of students in case of guerrilla attack. The Ministry of Defense later announced a proposal to relocate police stations outside of city centers; however, this had not been implemented by year's end. In contrast to the previous year, there were no reports that the State refused medical treatment to guerrillas.

The many paramilitary groups are diverse in their motivations, structure, leadership, and ideology. The 1997 establishment of the United Self-Defense Groups of Colombia as a national umbrella organization was designed both to provide a national structure and to develop a more coherent political culture for the country's local and regional paramilitary groups. The AUC paramilitary umbrella group comprises an estimated 8,000 combatants, who are members of 7 major organizations. The largest of these organizations is the ACCU, which is based in Cordoba department and the Uraba region of Antioquia department. The AUC also has as many as 4,000 of its own combatants. Carlos Castano heads both the AUC and the ACCU. Although illegal, some paramilitary groups reflected rural citizens' legitimate desire to defend themselves from the guerrilla threat. Other groups were actually the paid, private armies of drug traffickers or large landowners. Many members of paramilitary groups are former security force members or former guerrillas. Some local army and police commanders tacitly tolerated--and sometimes aided and abetted--the activities of paramilitary groups, despite the public pronouncements of the Government and the public security forces high command that they intended to combat paramilitary violence. Elements of political and economic elites in these areas also supported paramilitary groups. The President, other government officials, the UNHCHR, and various NGO's noted increased popular support for paramilitary groups during the year. AUC leader Carlos Castano admitted publicly that his group receives funding from both legitimate businesses and from narcotics trafficking, and that the group is financed by "dominant businesses" in the regions in which it operates.

Paramilitary groups used selective killings and systemic massacres to force displacements and punish civilians for perceived ties to the guerrillas (see Section 1.a.). Paramilitary groups also launched several offensive campaigns characterized by a series of massacres linked by time or location.

The Fifth Brigade reported that in March troops of its 13th and 56th Battalions captured 25 suspected AUC members at San Rafael de Lebrija, Santander department. During the operation, the troops captured a significant amount of war material. Also in March, elements of the army's 46th Battalion, based at Tibu, Norte de Santander department, captured another three suspected members of paramilitary groups and killed one. One soldier was killed in the action. In February the National Police and the DAS captured north coast paramilitary chief Adan Rojas Ospino in Barranquilla, Atlantico department. Rojas, a key aid to AUC paramilitary chief Carlos Castano, was sought in connection with a series of massacres dating back to the 1980's, as well as to the 1994 killing of a congressman. On February 24, the DAS also announced the capture of Amoldo Segundo Meza de la Rosa, the alleged chief of intelligence and finance operations for the paramilitary fronts operating in Sucre and Bolivar departments. Additionally, the DAS announced the capture in Monteria, Cordoba department, of an ACCU paramilitary leader.

Paramilitary groups on occasion used landmines and sometimes forced underage combatants into their ranks. Paramilitary forces failed to respect the injured and medical personnel. For example, in November members of a paramilitary group reportedly killed a patient on an ambulance driving from Tibu to Cucuta, Norte de Santander department, and declared the Tibu hospital a "military objective," causing several support staff to flee. In late October, presumed members of a paramilitary group kidnaped the same hospital's director, who later was found dead. In late September, paramilitary forces in the Uraba region dragged a wounded FARC member from a Red Cross ambulance and shot and killed her. In early October, the FARC stopped a Red Cross ambulance carrying a wounded paramilitary member and killed him. In response, on October 4, the ICRC suspended all assistance to wounded combatants. The ICRC resumed evacuation of wounded combatants in late December.

Guerrilla organizations continued to pursue strategies that routinely led them to commit abuses against citizens. Their tactics consistently included killings, kidnaping, torture, targeting of civilian populations and installations, including medical facilities, and the forced recruitment of children as young as 10 years old. In response to President Pastrana's August 1999 call to all armed groups to obey international humanitarian law (the rules of war), the FARC responded that it would not abide by, and was not bound by, international humanitarian law.

Two main guerrilla armies, the FARC and the ELN, as well as the much smaller EPL and other groups, commanded an estimated total of between 11,000 and 17,000 full-time guerrillas operating in more than 100 semiautonomous groups throughout the country. These groups undertook armed actions in nearly 1,000 of the 1,085 municipalities. Both the FARC and the ELN systematically attacked noncombatants and violated citizens' rights through the use of tactics such as killings, forced disappearances, the mutilation of bodies, attacks on churches, attacks on hospitals, attacks on ambulances, and executions of patients in hospitals. Guerrilla groups also were responsible for multiple abuses of religious and medical personnel with protected status and of the wounded. Indiscriminate attacks on police stations resulted in high numbers of civilian casualties. Guerrillas also killed religious leaders (see Section 2.c.) and indigenous people (see Section 5).

Guerrillas used landmines both to defend static positions (such as base camps, cocaine laboratories, and sites at which kidnap victims were held) and as indiscriminate weapons of terror. According to the Vice President's office, the FARC and ELN have laid indiscriminately 50,000 mines in rural areas. Landmines planted by guerrillas or disguised as everyday items such as soccer balls or paint cans often resulted in the killing or maiming of civilian noncombatants; thousands of displaced persons were unable to return to their homes due to the presence of antipersonnel mines. According to press reports, guerrilla bases in the despeje zone are surrounded by landmines. The FARC used sulfuric acid in the gas canisters that it employed as artillery, and continued its practice of using these canisters to attack small towns. Scores of soldiers, police, and civilians were burned indiscriminately as a result. For example, on August 19, two girls aged 13 and 14 years old, were killed when FARC guerrillas threw an explosive device into a hardware store in El Carmen de Bolivar, Bolivar department. In mid-December, a 9-year-old girl died buried in rubble when a gas canister destroyed her home in San Alfonso, Huila department, during a FARC attack. A 15-year-old female guerrilla also was killed in combat during the same attack.

Although the ELN agreed to halt recruitment of children under the terms of the June 1998 Mainz "Heaven's Gate" agreement, both it and the larger FARC regularly forced children into their ranks (see Section 5). Once recruited, child guerrillas are virtual prisoners of their commanders and subject to various forms of abuse. Sexual abuse of girls is a particular problem, and former child guerrillas have testified to this in the press. According to one press report, the Roman Catholic Church documented one case of a 13-year-old girl who was recruited by the guerrillas and used for sex before a nun persuaded them to release her. Child soldiers, including girls, were seen in guerrilla ranks in the despeje, and reports from various sources indicate that the guerrillas recruited at least 120 minors in the despeje. In addition, many families reportedly left the despeje (or have been displaced from other regions) to escape forcible recruitment of their children. According to press reports, in April FARC military commander Jorge Briceno Suarez ("Mono Jojoy") admitted that the FARC often had committed serious abuses against civilians and that the FARC made regular use of child combatants.

Guerrilla-paramilitary violence left a string of civilian casualties in the wake of ongoing targeted or massive killings by both sides. For example, in Barrancabermeja paramilitary and guerrilla elements killed 160 persons during the first 6 months of the year, the highest total in 5 years for this area. On December 11, the army's Human Rights Office posted on placards in Bogota's central square the names of 3,289 civilians, of whom 11,596 persons were killed by paramilitary groups, and 693 persons by guerrillas. The names of more than 200 children were listed.

The FARC staged many attacks against municipalities outside of the despeje, possibly in a de facto effort to expand the demilitarized zone. According to the Ministry of Defense, between January and October, 74 guerrilla attacks on towns left 3,515 civilians dead. On July 12, the FARC attacked four towns in Huila and Tolima departments, destroying police stations, churches, schools, businesses, and homes. Four FARC groups attacked Alpujarra in southern Tolima department, and Colombia, Timana, and Vegalarga in Huila department. The attacks left 4 civilians dead and more than 15 persons wounded. The FARC attacked Vegalarga again 8 days later. As a result, more than 2,000 persons from Vegalarga, Colombia, Algeciras, and other towns fled to Neiva, capital of Huila department. On July 14, the FARC entered the town of Roncesvalles, Tolima department, and killed 13 policemen. According to press reports, the FARC attacked the mayor's office, various commercial buildings, a dozen homes, and the police station. After the police ran out of ammunition defending the station, they were killed upon surrendering.

Ending its unilaterally declared Christmas truce, on January 12, the FARC attacked four towns in Narino department. The attackers destroyed police stations, town halls, and a water plant. The FARC killed three policemen and one civilian and kidnaped three other civilians. During the course of the attacks, FARC members also stole an ambulance and bombed the Trans-Andean oil pipeline near Ipiales, causing an oil spill. On January 15, approximately 500 guerrillas attacked four different points along the Bogota-Villavicencio highway. In confrontations among the army, the National Police, and the FARC, at least five civilians and five security force members were killed. The army reported that it killed 44 FARC combatants in action. Also on January 15, four National Police stations in southern Bogota were destroyed; one 11-year-old girl was killed by a grenade, and seven other civilians were reported wounded. The National Police suspected that the FARC was responsible for the attacks. According to press reports, in January the ELN kidnaped 15 persons southwest of Cartagena and then reportedly used 8 of its victims as human shields in confrontations with the police and the marines. One 19-

year-old woman was killed in the crossfire.

During a January attack on the town of El Castillo, Meta department, indiscriminate FARC use of homemade artillery resulted in the destruction of the town church, hospital, school, town hall, and at least 20 homes. Eight FARC guerrillas, all estimated to be between the ages of 13 and 15, were killed during the attack. Nine civilians were killed, and four civilians were wounded.

On February 4, a car bomb in Puerto Asis, Putumayo department, killed 2 persons and wounded 10 other persons. On March 3, the FARC detonated a car bomb in the town square at Cachipay, Cundinamarca department; 3 civilians were killed and 19 were wounded. On March 30, the FARC detonated another bomb in front of the mayor's office in Cachipay, which killed 3 persons and wounded 20 others. On March 26, the FARC detonated another car bomb in the town square at Girardot, Cundinamarca department, killing 1 policeman and wounding 10 civilians. Many believed that the Girardot bombing was a FARC admonishment to local merchants who were late in making extortion payments. Other FARC car bombings in Cundinamarca department at Soacha (a southern neighborhood of Bogota) on February 24 and at Anapoima on January 16 caused property damage but did not result in any deaths.

During a March FARC artillery attack on the Medellin base of the army's Fourth Brigade, 2 civilians were killed and 18 injured when the FARC's gas cylinder-bombs exploded prematurely in a civilian neighborhood. A total of 45 homes and 2 civilian buildings were destroyed.

On July 29, approximately 400 members of the FARC guerrilla group attacked the town of Arboleda, Caldas department, killing 12 policemen and 4 civilians. The attack lasted for 2 days. Guerrillas detonated explosives in front of town buildings, including the police station and a church. Most of the village was damaged or destroyed.

On August 2, the FARC 14th front killed five hostages with shots to the head and left a sixth person for dead. The survivor, a farmer named Fernando Jimenez Hurtado, had been kidnaped in June in Caqueta department, south of the FARC demilitarized zone, and had been chained for 2 months to another hostage. He was forced to drag the victim's body almost 1 kilometer to the nearest police station. Jimenez Hurtado reported being held with 50 other kidnaped persons under poor conditions.

Antioquia police reported that, on November 18, the FARC killed 6 farmers who were former EPL guerrillas, burned 20 houses, and displaced 30 persons in a rural area of Frontino, west of Medellin. Unconfirmed reports indicated that another five persons may have disappeared.

From late September to early December, the FARC banned all road traffic in the southern department of Putumayo, following an offensive by paramilitary forces in the area of La Hormuga. The guerrillas' ban on road traffic, which was criticized by NGO's and local officials, led to severe shortages in food and medicine despite government efforts to fly in supplies and to secure key roads. The FARC also reportedly restricted the movement of ambulances.

According to the Federation of Colombian Municipalities, paramilitary and guerrilla attacks damaged or destroyed the installations of 64 municipal governments during the year, and paramilitary groups and guerrillas kidnaped 20 mayors and 18 mayoral candidates (see Sections 1.b. and 3).

The FARC committed numerous abuses against civilians in the despeje zone. The FARC was responsible for killings, alleged cases of forced disappearance, rape, arbitrary detention, infringement of the rights to free speech, freedom of religion (see Section 2.c.), and fair trial (see Section 1.e.), forced political indoctrination, and the forced recruitment of hundreds of children. According to press reports, the FARC has stated publicly that all persons between the ages of 13 and 60 in the despeje zone are liable for military service with the guerrillas; families fleeing the zone reported that they were asked to surrender children to the FARC as of their 14th birthday.

Guerrillas, usually the ELN, destroyed 434 electrical pylons in the period from January 1999 to September 2000, causing massive damage to the country's power industry and increases in electricity rates for consumers. Guerrilla attacks on oil pipelines caused considerable environmental damage.

According to press reports in September, the ELN had held an internal trial of participants in the 1998 Machuca fireball incident in which over 80 persons were killed and 17 were injured as a result of an ELN pipeline bombing. According to the reports, the ELN claimed to have expelled guerrillas from its ranks for involvement in the crime.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of the press; and the Government generally respected this right in practice; however, journalists regularly practiced self-censorship to avoid retaliation and harassment by various groups. The privately owned print media published a wide spectrum of political viewpoints and often voiced harsh antigovernment opinions without fear of reprisals. A ban on the publication of evidence pertaining to criminal investigations, based on the secrecy provisions of the Penal Code and an anticorruption statute, remained in effect. Journalists typically work in an atmosphere of threats and intimidation, primarily from paramilitary groups and guerrillas, which appeared to worsen during the year. Fearing for their safety, journalists often refrain from publishing or broadcasting stories counter to the interest of paramilitary groups, guerrillas, or narcotics traffickers.

In October 1999, the Organization of American States (OAS) Special Rapporteur for Freedom of Expression stated that the "press freedom situation in Colombia is a serious source of concern" and that, in addition to the killings of journalists, "Colombian journalists endure constant threats and intimidation."

The human rights unit of the Prosecutor General's office reported in November that it had 32 open cases involving murders, kidnapings, and threats against journalists. Twelve journalists were killed during the year, although not all of the killings could be attributed directly to the journalists' work.

On September 9, members of a paramilitary group murdered Carlos Jose Restrepo Rocha, the publisher of TanGente newspaper in Tolima, a municipal council candidate, and a former member of the now-inactive M-19 terrorist group. Ten men who identified themselves as members of a paramilitary group seized Restrepo during a community meeting in San Luis de Ibague, Tolima department, and Restrepo was found dead hours later, with paramilitary pamphlets placed on his body.

On November 15, unidentified assailants shot and killed local radio reporter Gustavo Rafael Ruiz Cantillo in the Pivijay municipality marketplace, Magdalena department. Many observers believe that he was killed by paramilitary forces, who reportedly have a strong presence in Pivijay; however, the FARC also are known to operate in the region. An investigation continued at year's end.

On November 30, unidentified assailants killed reporter Guillermo Leon Agudelo in his home in Florencia, Caqueta department. On December 13, two persons on a motorcycle shot and killed Alfredo Abad Lopez, director of the Voice of the Jungle radio station, a Caracol affiliate, as he left his home in Florencia, Caqueta department. The authorities formed a special investigative unit to establish whether the two murders are connected, and the Florencia mayor's office offered a $10,000 reward for information leading to arrests in these cases.

In May 1999, the Prosecutor General's office created a new subdivision to handle investigations of crimes that targeted journalists. On May 3, investigations also produced arrest warrants against AUC leader Carlos Castano and three other persons who allegedly killed journalists Alberto Sanchez and Luis Alberto Rincon.

In July the Prosecutor General's Human Rights Unit indicted Rodolfo Nelson Rosado Hernandez (alias "El Pichi") and Jorge Eliecer Espinal Velasquez ("El Parce") in the September 1999 murder of newspaper editor Guzman Quintero Torres in Valledupar, Cesar department. The two have been in police custody since September 1999 and are thought to be members of a group of killers working for area paramilitary forces. Quintero's editorials had criticized state forces in the area, and he reportedly had been threatened before his death.

There was also progress in the investigation of murdered journalist Jaime Garzon (see Section 1.a.).

Guerrillas, primarily the ELN, were responsible for the kidnaping of 15 journalists during the year. Guerrillas abducted many of them to bear witness to crimes committed by paramilitary forces or to deliver messages to local authorities. Eleven journalists reported death threats during the year.

In January the FARC kidnaped journalist Guillermo "la Chiva" Cortes; in August security forces rescued him, along with six other hostages.

On May 25, Jineth Bedoya Lima, a reporter for the El Espectador newspaper, was kidnaped and raped over a period of 10 hours while on her way to interview a convicted paramilitary leader at the Modelo prison in Bogota. Two days prior to her kidnaping, El Espectador received threatening letters against her and other journalists. Carlos Castano, leader of the AUC paramilitary organization, denied that the AUC was involved in the kidnaping.

On December 16, the ELN reportedly kidnaped Caracol television journalist Winston Viracacha in Tumaco,

Narino department. Viracacha had traveled with his cameraman and an assistant to meet members of the ELN's "Comuneros del Sur" front, who retained Viracacha but released his companions.

Thirteen journalists left the country during the year. In March Francisco "Pancho" Santos, editor of the family-run El Tiempo, the country's largest newspaper, and founder of the Pais Libre antikidnaping organization and the national "No More" antiviolence civic campaign, fled the country after announcing that he was the target of a FARC guerrilla group plot to kill him. Santos remained in exile at year's end. Also in March, television personality Fernando Gonzalez Pacheco fled the country after receiving threats from the FARC. In June Ignacio Gomez Gomez, a journalist for El Espectador, fled the country after receiving threats against his life.

The Inter-American Press Society opened a rapid action unit office in Bogota to help the Prosecutor General's office investigate crimes against journalists. On August 18, President Pastrana issued a decree establishing a program for the protection of journalists. In October the Minister of Interior announced the inauguration of the program, which is to provide armor for cars, escorts, and transportation. The Government consulted with journalism organizations to identify journalists at special risk but has not had the resources to provide protection. The Ministry of the Interior supported an alerts network organized for journalists by providing a small number of radios and an emergency telephone hot line.

On December 20, a specialized court judge in Neiva, Huila department, absolved contractor Fernando Bermudez Ardila and two other defendants accused of the April 1998 murder of journalist Nelson Carvajal Carvajal; the judge cited weak evidence in the case. Bermudez had been accused of hiring the two other men to kill Carvajal, because Carvajal would not agree to stop negative reporting about a development project built by Bermudez's firm. Prosecutors appealed the decision, and the Supreme Court is expected to rule on the case.

Media ownership remains highly concentrated. Wealthy families or groups associated with one of the two dominant political parties have consolidated their holdings of news media, and regional firms continued to purchase local news media outlets. As a result of the general economic downturn, large press conglomerates closed radio stations and newspaper offices in certain provinces and reduced staff. Although the press remained generally free, economic problems and the concentration of media ownership limited the media's resources, causing the media to rely heavily on a smaller pool of advertisers, including the Government, which the media often chose not to criticize.

The National Television Commission continued to oversee television programming throughout the year.

The FARC restricted the movement of journalists in the despeje through blockades and random identity checks and on at least three occasions stopped El Tiempo trucks and burned all of the newspapers that they carried.

The Government generally respected academic freedom, and there was a wide spectrum of political activity throughout the country's universities. However, paramilitary groups and guerrillas maintain a presence on many university campuses, aimed at generating political support for their respective campaigns. They use both violent and nonviolent means towards political ends. Both paramilitary groups and guerrillas also regularly targeted public school teachers at the elementary and secondary levels for politically motivated killings.

In August the National University was closed, and its premises were searched after a policeman was killed during a protest. Students held a referendum against violent groups operating on the university campus.

In April schools in Chalan and Ovejas, in Sucre department, were suspended due to death threats against 50 teachers. More than 3,000 students were affected. Threats also were made against teachers in Coloso, Morroa, Toluviejo, San Onofre, Los Palmitos, and San Antonio de Palmito in Sucre department. All of the major guerrilla organizations and the paramilitary groups maintain a presence in the region.

On October 5, Universidad del Atlantico professors Luis Meza Almanza Alfredo Martin Castro Hayder were killed in Barranquilla on October 5 and August 26, respectively. Both were known for leftist views and had been under consideration for rector positions at the University. Castro was reportedly on a death threat list.

Investigations continued into four 1999 attacks against prominent academics. Jesus Antonio Bejarano, a former government peace commissioner; Doctor Dario Betancur, head of the social sciences faculty of Bogota's Universidad Pedagogica; and Doctor Hernando Henao, an anthropologist who published on the subject of displaced persons, all were killed in 1999. In December 1999, Professor Eduardo Pizarro Leongomez, director of the political studies and international affairs institute at the National University, was shot twice by unknown attackers; he survived but fled the country. As a result of these incidents, academic leaders have chosen to assume a lower profile; many have taken up residence outside the country.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly, and the Government respects this right in practice. The authorities normally do not interfere with public meetings and demonstrations and usually grant the required permission except when they determine that there is imminent danger to public order.

There were large demonstrations on several occasions by citizens throughout the country; the authorities generally did not interfere.

In February police sought to remove an U'wa road block by using tear gas to disperse the crowd; the U'wa claimed that four children were killed in the ensuing panic (see Sections 1.a. and 5). Press reports indicated that only one body was recovered. In April numerous indigenous groups blocked routes, freeways, and city streets throughout the country to demand respect for their life and territory and to support the Embera-Katio and U'wa tribes in their disputes against the Urra hydroelectric project and Occidental Petroleum respectively (see Section 5). On September 10, thousands of persons across the country, including business leaders, union activists, and ordinary citizens, marched in support of peace and respect for human rights.

The Constitution provides for freedom of association, and the Government respects this right in practice. Any legal organization is free to associate with international groups in its field. Membership in proscribed organizations, such as the FARC, the ELN, the EPL, and the AUC, is a crime.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. Roman Catholic religious instruction is no longer mandatory in public schools, and a 1994 Constitutional Court decision declared unconstitutional any official government reference to religious characterizations of the country. Although the Catholic Church was separated from the State by the 1991 Constitution, it retains a de facto privileged status. The law on the freedom of religion provides a mechanism for religions to obtain the status of recognized legal entities. Accession to the 1997 public law agreement between the State and non-Roman Catholic religious entities currently is required for any religion that wishes to minister to its adherents via any public institution. Local governments may exempt from taxes religiously affiliated organizations such as schools and libraries; however, in practice, local governments often exempt only organizations that are affiliated with the Roman Catholic Church. The Government permits proselytizing among the indigenous population, provided that it is welcome and does not induce members of indigenous communities to adopt changes that endanger their survival on traditional lands.

Paramilitary groups sometimes target representatives and members of the Roman Catholic Church and evangelical Christian churches, generally for political reasons.

The FARC has placed religious restrictions on persons within the despeje zone. The FARC also levied "war taxes" on Roman Catholic and evangelical churches and schools in the despeje and elsewhere.

The FARC and ELN guerrilla movements regularly target representatives and members of the Roman Catholic Church and evangelical Christian churches, generally for political reasons, and committed acts of murder, kidnaping, and extortion, as well as inhibited the right to free religious expression. For example, according to one evangelical movement, guerrillas regularly attacked rural evangelical Christians and their churches.

According to the Christian Union Movement, the FARC murdered 46 of the movement's affiliated preachers between January 1999 and June 2000. As of June, the FARC had forced the closure of over 300 evangelical churches in Meta, Guajira, Tolima, Vaupes, Guainia, Guaviare, Vichada, Casanare, and Arauca departments. Additionally, the movement claimed that the FARC extorted and, in many cases, forced the closure of rural evangelical schools. Faced with threats by guerrillas or paramilitary forces, many evangelical preachers were forced to refrain from publicly addressing the country's internal conflict.

Guerrillas were suspected of the April massacre of 2 evangelical preachers and 12 church members at Hato Nuevo, Carmen de Bolivar, Bolivar department.

On March 27, unidentified perpetrators killed Roman Catholic priest Hugo Duque Hernandez at Supia, Caldas department.

There were no new developments in the November 1999 killings of Roman Catholic priest Jorge Luis Maza and

Spanish aid worker Inigu Egiluz in Choco department; security forces had arrested nine members of a paramilitary group in conjunction with the crime.

The human rights unit of the Prosecutor General's Office reported in November that it had 34 open cases of killings of members of evangelical groups.

The Bishops' Conference of the Roman Catholic Church reported that paramilitary forces, the ELN, and the FARC sometimes threatened rural priests with death for speaking out against them. It also reported that Roman Catholic churches in Huila, Tolima, Cauca, and Antioquia departments were destroyed during guerrilla attacks on towns and police stations.

On April 11, at least three Mormon temples in Cali were bombed. No one was injured in the attacks, which damaged buildings. No one claimed responsibility for the attacks.

Jewish community leaders estimated that as many as 20 percent of the country's Jewish community had fled the country as of July 1999. Among the principal causes was a string of kidnapings, assaults, and murders affecting Jewish business leaders.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides citizens with the right to travel domestically and abroad, and the Government generally respects this right in practice, with some exceptions. Outsiders who wish to enter Indian tribes' reserves must be invited. In areas where counterinsurgency operations were underway, police or military officials occasionally required civilians to obtain safe-conduct passes; paramilitary forces and guerrillas often used similar means to restrict travel in areas under their control. At times the Government implemented curfews. Military counterinsurgency operations, forced conscription by paramilitary and guerrilla organizations, and guerrilla incursions often forced peasants to flee their homes and farms, and there was a very large population of internally displaced persons. According to CODHES, approximately 317,000 displacements of persons occurred during the year; the vast majority of displaced persons are peasants who have been displaced to cities (see Section 1.g.).

Throughout the year, frequent road blockades erected by paramilitary groups, the FARC, ELN, and peasant farmers inhibited transportation, communication, and commerce throughout the country. Social organizations also resorted to road blockages, some of them prolonged, to protest government actions or policies. Almost every major artery in the country was closed at some point during the year. From late September to early December, the FARC banned all road traffic in the southern state of Putumayo, following an offensive by paramilitary forces in the area of La Hormiga (see Section 1.g.).

Press reports indicate that more than 300,000 citizens emigrated during the last 2 years, due principally to the deteriorating security situation and economic recession.

The Constitution provides for the right to asylum, under terms established by law in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The country has had a tradition of providing asylum since the 1920's. At year's end, 239 refugees had legal asylum status, and 12 applications for asylum were pending.

The Government cooperates with the offices of the UNHCR and other humanitarian organizations in assisting refugees and internally displaced persons. The Government reserves the right to determine eligibility for asylum, based upon its own assessment of the nature of the applicant's suffering. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their government, and citizens exercise this right in regularly scheduled elections by secret ballot. In 1998 voters elected Conservative Party candidate Andres Pastrana President in elections that were free, fair, and transparent, despite some threats to the electoral process by paramilitary groups, narcotics traffickers, and guerrillas. The Liberal Party controls the legislature.

Presidential elections are held every 4 years, with the incumbent barred for life from reelection. The Liberal and Conservative parties long have dominated the formal political process with one or the other winning the presidency. Public employees are not permitted to participate in partisan campaigns. Officially, all political parties operate freely without government interference. Those that fail to garner 50,000 votes in a general election lose the right to present candidates and may not receive funds from the Government. However, they may

reincorporate at any time by presenting 50,000 signatures to the National Electoral Board. Voting is voluntary and universal for citizens age 18 and older, except for active-duty members of the police and armed forces, who may not vote.

Prior to local elections in October, both paramilitary and guerrilla organizations sought to dissuade some potential candidates from running for office or restrict their ability to campaign. The Colombian Federation of Municipalities reported to the press that armed groups threatened candidates in more than half of the country's 1,085 municipalities. By year's end, the Federation reported that 19 mayoral candidates were killed, 20 were kidnaped, 12 reported threats, and as many as 53 candidates for mayoral and municipal council posts withdrew their candidacies. For example, on September 23, guerrillas kidnaped the mayor of Samaniego, a Liberal Party candidate for that office, and six other mayoral candidates from this southern town in Narino. On September 9, members of a paramilitary group forced Carlos Restrepo, a leftist activist and publisher who was planning to run for a local office, from a community meeting; his body later was found outside San Luis. However, the October 29 elections were generally peaceful.

In April the FARC announced the formation of a political party--the Bolivarian Movement for a New Colombia--before a gathering of thousands of persons. FARC leader Manuel Marulanda announced that the party would operate secretly.

There are no legal restrictions, and few practical ones, on the participation of women or minorities in the political process; however, both are underrepresented in official and party positions. In March a quota law to increase the number of women in high-level public positions went into effect. The quota law requires that a minimum goal of 30 percent of nominated positions, including seats on the high courts and ministerial positions, be allotted to women. The quota law does not apply to publicly elected positions, such as seats in Congress. Before the end of each year, the Government must report to Congress the percentage of women in high-level governmental positions. Voters elected 14 women to the 102-seat Senate and 19 women to the 161-seat House of Representatives in March 1998. At year's end, there were 4 women in the 16-member cabinet--they serve as the Ministers of Health, Culture, Communications, and Foreign Trade. There were no women among the 23 Supreme Court justices, 1 woman among 9 Constitutional Court magistrates, and 3 women out of 13 magistrates of the Superior Judicial Council.

Indigenous people are underrepresented in government and politics. Two Senate seats are reserved for indigenous representatives. In October voters in Cauca elected Floro Tunubala, the country's first indigenous governor. Blacks also are underrepresented in government and politics. In 1996 the Constitutional Court declared unconstitutional a 1993 law that set aside two house seats for citizens of African heritage, although the ruling nonetheless allowed the incumbents to complete their terms in office. There is one black senator, but there are no black members of the Chamber of Representatives.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A large and varied nongovernmental human rights community is active, and provides a wide range of views. Among the many groups are: The Colombian Catholic Bishops Conference; the Colombian Commission of Jurists; the Intercongregational Commission for Justice and Peace; the Permanent Committee for the Defense of Human Rights; the Center for Investigations and Popular Research; the Advisory Committee for Human Rights and Displacements; the Latin American Institute for Alternative Legal Services; the Committee in Solidarity with Political Prisoners (dedicated to defending accused guerrillas); the Association of Families of Detained and Disappeared Persons; the Reinsertion Foundation (focused on demobilized guerrillas); the Pais Libre Foundation (focused on the rights of kidnap victims); and the Vida Foundation (focused on the rights of victims of guerrilla violence). Other international humanitarian and human rights organizations in the country that were active include the ICRC (with 16 offices across the country) and Peace Brigades International.

Although the Government generally did not interfere directly with the work of human rights NGO's, many prominent human rights monitors worked under constant fear for their physical safety. There were unconfirmed reports that security forces harassed or threatened human rights groups. In August the Prosecutor General's office opened an investigation against retired Brigadier Generals Millan and Del Rio for bribing witnesses to testify falsely against a leading NGO organizer and a labor leader. Human rights groups were subjected to surveillance, harassing phone calls, graffiti campaigns, and threats by paramilitary, guerrilla, and other unidentified groups. At least four human rights activists had been killed as of October; there were three forced disappearances of human rights activists.

In October Angel Quintero and Claudia Patricia Monsalve, members of ASFADDES (an association for relatives of the disappeared) were kidnaped in Medellin by persons claiming political motives. There has been no news of the victims since October, and no arrests have been made. The authorities continued their investigation at year's end.

In August the Government launched an effort to improve its dialog with NGO's on human rights, the peace process, the Government's comprehensive strategy known as "Plan Colombia," and other issues. In October the Government jointly hosted with an NGO umbrella group an international gathering on these issues which included the participation of the ELN.

NGO's investigated and reported on human rights abuses committed by government forces, various paramilitary groups, and the guerrillas. Many NGO's expressed serious concern over the growing paramilitary and guerrilla violence and the Government's apparent inability to stop either group. In particular, a number of NGO's, as well as governmental human rights officials, were alarmed by the rapid growth of popular support for paramilitary groups, and their increasing political and military power.

The human rights community remained under intense pressure during the year. Human rights monitors were subjected to a systematic campaign of intimidation, harassment, and violence. According to the Colombian Commission of Jurists, five human rights advocates were killed during the year; three human rights workers disappeared. A total of 49 human rights workers have been killed or have disappeared in the past 5 years. On numerous occasions during the year, paramilitary groups in several municipalities circulated lists of the names of persons they considered "military targets," which included the names of local human rights activists, labor organizers, and politicians.

In addition, approximately 35 human rights workers left the country, either temporarily or permanently, for their own safety. For example, in July human rights activists Ivan Cepeda and his wife Claudia Giron left the country after receiving threats against their lives.

The Government, through the Ministry of the Interior and the DAS, allocated approximately $4.3 million (8 billion pesos) to its 2-year-old program to protect human rights advocates and labor activists associated with 88 different human rights NGO's and unions. The funds were designated for security measures for individuals as well as for the headquarters of the NGO's, an emergency radio network, and funding for travel abroad for individuals who faced a particular threat; however, human rights groups stated that the protection programs are inadequate to address the crisis, and called for increased efforts to combat impunity.

The new forced disappearance law provides for a maximum penalty of 60 years for cases involving human rights activists (see Section 1.b.).

Armed groups targeted regional ombudsmen. Fourteen regional ombudsmen have been killed since 1998. In July Jose Manuel Bello, the municipal human rights ombudsman in Vigia del Fuerte, Atrato, Antioquia department, reportedly was kidnaped, killed, and dragged into the Atrato River by members of the FARC guerrilla group. In July unidentified, armed men killed Yemil Fernando Hurtado Castano, the human rights ombudsman in Narino municipality, southeastern Antioquia department. The regional ombudsman of Lourdes municipality, Norte de Santander department, was kidnaped and held for 3 days by paramilitary forces. Garcia and two other municipal human rights officials were forced to leave Norte de Santander department due to continued paramilitary threats.

The criminal organization La Terraza publicly admitted to killing at least five human rights advocates and stated that the killings had been ordered by Carlos Castano (see Section 1.a.).

There was no reported progress in the investigation of the September 1999 killing of the Human Rights Ombudsman's representative for San Juan Nepomuceno, Carlos Arturo Pareja, and his assistant.

A preliminary investigation by the Prosecutor's national human rights unit indicated common criminals were responsible for the January 1999 killings of Everardo de Jesus Puerta and Julio Ernesto Gonzalez, both members of the Committee for Solidarity with Political Prisoners (CSPP). The case was referred to the Medellin prosecutor's office for further investigation.

Prosecutors continued to investigate the November 1999 AUC killings of southern Bolivar department peasant leaders Edgar Quiroga and Gildardo Fuentes.

On November 22, a Bogota judge convicted two members of a paramilitary group for the 1997 murders of two CINEP workers and one other person. Arrest warrants remained outstanding for Carlos Castano and four other members of paramilitary groups (see Section 1.a.).

Suspected paramilitary leader Libardo Humberto Prada was linked by NGO's to the August 15 murder of peace activist and former mayor Luis Fernando Rincon Lopez in Aguachica, Cesar department. The case remained under investigation at year's end. In April 1999, the human rights unit of the Prosecutor General's office formally

indicted Prada and paramilitary Cielo Lobo Ascano in the August 1998 killing in Valledupar of local Redepaz coordinator Amparo Leonor Jiminez.

In February a lower civilian court convicted four Colombian human rights activists arrested by the army in 1997 for allegedly funneling international human rights assistance intended for displaced persons to the ELN guerrilla movement. The court sentenced them each to 5 years' imprisonment.

The Ministry of Defense reported that in the past 5 years, 97,894 security force members received human rights training during the year, including 1,994 human rights trainers. Such training is provided by the ICRC, the Colombian Red Cross, the Roman Catholic Church, elements of the Government and security forces, and foreign governments. Many observers credited these programs with having done much to foster a climate of increased respect for human rights and international humanitarian law within the military forces in recent years.

The Government has an extensive human rights apparatus, which includes the office of the President's Adviser for Human Rights, headed by Vice President Gustavo Bell. Human rights expert Reinaldo Botero was named Director of the presidential program for human rights and international humanitarian law in September. The executive branch's efforts on human rights are supported by the Ministry of Interior, the human rights office of the Ministry of Defense, and dependent offices for each of the public security forces. The office of the national Human Rights Ombudsman, its regional representatives and corps of public defenders, the Attorney General's office and its delegate for human rights and regional representatives, and the Prosecutor General's office and its human rights unit are all independent institutions, not subject to executive branch direction.

The House of Representatives elects the Public Ministry's National Ombudsman for Human Rights for a 4-year term, which does not coincide with that of the President. The office has the constitutional duty to ensure the promotion and exercise of human rights. The Ombudsman provides public defense attorneys and a channel for complaints of human rights violations (see Section 1.e.). However, the Ombudsman lacks sufficient funding and staff. In August the House of Representatives named former Constitutional Court Judge Eduardo Cifuentes Munoz as Human Rights Ombudsman.

The Human Rights Ombudsman's office processed 13,951 complaints in 1999 (the latest year for which figures were available); 8,562 cases (61 percent) were against government entities. Of the 7,272 cases concluded in 1999, the Ombudsman's office obtained favorable or partially favorable conclusions in 2,867, or forty percent. Another 1,436 were referred to the competent authority. The office also provided 40,656 free legal consultations through its corps of more than 1,000 public defenders, many of whom work only part-time.

Early in the year, the Government established a high-level commission to coordinate policy on human rights and international humanitarian law, which is headed by Vice President Gustavo Bell.

In August 1999, the Vice President enunciated the Government's human rights policy; however, some aspects of implementation have been slow to materialize. The Government's national human rights plan called for the respect, promotion, and assurance of human rights. It promised increased government attention to the consequences of human rights abuses and called on all armed factions to respect international humanitarian law. The plan asserted that security forces would combat both guerrilla and paramilitary forces. One of the plan's most important provisions permitted the armed forces commander to remove from service summarily any military member whose performance in combating paramilitary forces he deemed "unsatisfactory or insufficient." In September President Pastrana signed 12 decrees to reform and strengthen the military; one decree provides for the separation from service of all uniformed members of the military regardless of their time in service, at the discretion of the top military commanders (see Section 1.e.).

The U.N. High Commissioner for Human Rights and the UNHCR have offices in Bogota. In 1997 the UNHCHR opened a field office in Bogota to observe human rights practices and advise the Government; its mandate was extended through April 2002. The office is tasked with monitoring and analyzing the human rights situation throughout the country and with the provision of assistance to the Government, civil society, and NGO's in the field of human rights protection. It submitted reports to the Government and to the U.N. In March the UNHCR report, which covered 1999, noted that "the continued existence of direct links between some members of the security forces and paramilitary groups, revealed by disciplinary and judicial investigations, is a cause of great concern." The report also noted that in 1999 "in some regions of the country, these links were strengthened and the authorities responsible for penalizing them failed to take decisive action." In April UNHCHR Mary Robinson noted "reports indicating that members of the military forces participate directly in organizing new paramilitary groups and in disseminating threats. The President, other government officials, the UNHCHR, and various NGO's noted increased popular support for paramilitary groups and a polarization of political opinion with concern.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution specifically prohibits discrimination based on race, sex, religion, disability, language, or social status; however, in practice, many of these provisions are not enforced. The killing of homosexuals as part of the practice of social cleansing continued.

Women

Rape and other acts of violence against women are pervasive in society, and like other crimes, seldom are prosecuted successfully. According to the Ombudsman's 1999-2000 report, intrafamilial violence, sexual assault, and murder of women were increasing problems. The governmental Institute for Family Welfare and the Presidential Adviser's Office for Youth, Women, and Family Affairs continued to report high-levels of spouse and partner abuse throughout the country. In 1999 the Institute for Forensic Medicine reported 62,123 cases of domestic violence, of which 41,528 were conjugal violence, 9,896 were child abuse, and 10,699 were cases of abuse by other family members. The ICBF conducted programs and provided refuge and counseling for victims of spousal abuse; however, the level and amount of these services were dwarfed by the magnitude of the problem. For example, ICBF's 530 family ombudsmen handle approximately 1,160 cases per year.

The Institute estimated that 95 percent of all abuse cases are never reported to the authorities and reported 13,703 cases of probable rape during the year.

The 1996 Law on Family Violence criminalizes violent acts committed within families, including spousal rape. The law also provides legal recourse for victims of family violence, immediate protection from physical or psychological abuse, and judicial authority to remove the abuser from the household. It allows a judge to oblige an abuser to seek therapy or reeducation. For acts of spousal sexual violence, the law mandates sentences of 6 months to 2 years and denies probation or bail to offenders who disobey restraining orders issued by the courts. A 1997 law also made additional, substantial modifications to the Penal Code and introduced sentences of between 4 and 40 years for crimes against sexual freedom or human dignity, including rape, sex with a minor, sexual abuse, induction into prostitution, and child pornography. The law also repealed an old law that fully exonerated a rapist if he subsequently offered to marry the victim and she accepted. However, there was little evidence that this legislation was enforced systematically. The reforms to the Penal Code approved in June reduced the maximum sentence for violent sexual assault from 20 to 15 years; the minimum sentence is 8 years. The National Institute for Forensic Medicine reported 19,859 cases of spousal abuse during the first half of 1999. The overwhelming majority of victims were women. First Lady Nohra Pullana de Pastrana is on the board of directors of the ICBF and works with the "Make Peace" program, which provides support to women and children who were victims of domestic violence.

Sexual harassment is a problem.

Women also faced an increased threat of torture and sexual assault due to the internal conflict (see Section 1.g.).

The forced disappearance law provides for a maximum penalty of 60 years for cases involving pregnant women (see Section 1.b.).

Trafficking in women is a problem (see Section 6.f.).

The Constitution prohibits any form of discrimination against women and specifically requires the authorities to ensure "adequate and effective participation by women at decisionmaking levels of public administration." Even prior to implementation of the 1991 Constitution, the law had provided women with extensive civil rights. However, despite these constitutional provisions, discrimination against women persists. A study by the University of Rosario released during the year concluded that women faced hiring discrimination and that women's salaries were generally incompatible with their education and experience. The salary gap between men and women widened in the last decade, reaching a high point in 1999 as the country's economy declined. The study also noted that women were affected disproportionately by unemployment. Government unemployment statistics for the year indicated that the unemployment rate for men was 16.9 percent, while the rate for women was 24.5 percent. According to the March report of the U.N. High Commissioner for Human Rights, women earn 28 percent less than men. The National Statistics Institute reported that a higher percentage of women were employed in minimum wage jobs. According to U.N. statistics, women's earnings for formal sector, nonagricultural work correspond to approximately 85 percent of men's earnings for comparable work, and women must demonstrate higher qualifications than men when applying for jobs. Moreover, women constitute a disproportionately high percentage of the subsistence labor work force, especially in rural areas. Female rural workers are affected most by wage discrimination and unemployment.

Despite an explicit constitutional provision promising additional resources for single mothers and government

efforts to provide them with training in parenting skills, women's groups reported that the social and economic problems of single mothers remained great. In September 1997, the Constitutional Court ruled that pregnant women and mothers of newborn children under 3 months of age could not be fired from their jobs without "just cause." The court ruled that bearing children was not just cause.

On October 25, the Constitutional Court struck down a law that had prohibited pregnant women who are divorced or separated from their partners from remarrying before giving birth. The law also had imposed a 270-day "waiting period" for women who wanted to remarry.

Children

The Constitution formally provides for free public education, which is compulsory between the ages of 6 and 15. An estimated 25 percent of children in this age group do not attend school, due to lax enforcement of truancy laws, inadequate classroom space, and economic pressures to provide income for the family. The Government provides for the cost of primary education, but many families face additional expenses related to education, such as matriculation fees, books, school items and transportation costs (which are significant in rural areas where children may live far from school). These costs can be prohibitive, especially for the rural poor.

Despite significant constitutional and legislative commitments for the protection of children's rights, these were implemented only to a minimal degree. The Constitution imposes the obligation on family, society, and the State to assist and protect children, to foster their development, and to assure the full exercise of these rights. The Children's Code sets forth many of these rights and establishes services and programs designed to enforce the protection of minors. Children's advocates reported the need to educate citizens with regard to the code as well as the 1996 and 1997 laws on family violence, which had been drafted particularly to increase legal protection for women and children.

Abuse of children is a problem. The National Institute for Forensic Medicine reported 9,896 cases of child abuse during the year; there were 9,713 reported cases in 1999. According to the March report of the U.N. Commission on Human Rights, sexual abuse is prevalent, particularly of children between the ages of 5 and 14 years of age. In 70 to 80 percent of cases, children know their abusers.

An estimated 25,000 boys and girls under age 18 work in the sex trade. In 1996 legislators passed a law prohibiting sex with minors or the employment of minors for prostitution, and they amended that law in 1997 to provide that conviction for nonviolent sexual abuse of a child under age 14 carries a prison sentence of 4 to 10 years. Conviction for rape of anyone under the age of 12 carries a mandatory sentence of 20 to 40 years in prison. Enforcement of such laws is lax. The ICBF oversees all government child protection and welfare programs and funds nongovernmental and church programs for children.

Trafficking in girls is a problem (see Section 6.f.).

Child labor is a significant problem (see Section 6.d.).

In conflict zones, children often were caught in the crossfire between the public security forces, paramilitary groups, and guerrilla organizations. For example, on August 15, six children were killed and several others injured by members of the army's Fourth Brigade who mistook the children for a guerrilla unit (see Section 1.g.). Ministry of Defense figures indicated that approximately 200 children were killed due to the conflict during the year. At mid-year, UNICEF reported that 460 children had been killed over the past 4 years by various armed groups and that 789 had been kidnaped. Children suffered disproportionately from the internal conflict, often forfeiting opportunities to study as they were displaced by conflict and suffered psychological traumas. According to UNICEF, over 1 million children have been displaced from their homes over the past decade. The Human Rights Ombudsman's office estimated that only 15 percent of displaced children attend school. In July 1999, the Government announced that no one under the age of 18 could enter military service, even with the consent of a parent; previously, individuals over 16 years of age but below age 18 could volunteer to join the military with parental permission but were barred from serving in combat.

Paramilitary groups sometimes impressed children into their ranks, and the use of child soldiers by guerrillas was common. According to press reports, in August members of the FARC killed a school rector in Meta department for criticizing the recruitment of his students. The Government estimates that approximately 6,000 children are engaged as combatants by both paramilitary groups and guerrillas. In May 1999, the FARC promised visiting Special Representative of the U.N. Secretary General on Children in Armed Conflict Olara Otunnu that it would stop forcing children into its ranks; however, it continued the practice. The Roman Catholic Church reported that the FARC lured or forced hundreds of children from the despeje zone into its ranks. It engaged in similar practices in other areas under its control. For example, according to press reports, in June the FARC recruited at least 37 youths, including minors, in the municipality of Puerto Rico in southern Meta department. According to

one NGO, in Putumayo the FARC instigated compulsory service of males between the ages of 13 and 15 and was recruiting in high schools. Once recruited, child guerrillas are virtual prisoners of their commanders and subject to various forms of abuse. Sexual abuse of girls is a particular problem. Although the ELN agreed to halt recruitment of children under the terms of the June 1998 Mainz "Heaven's Gate" agreement, it also regularly impressed children into its ranks. Some 57 child guerrillas were captured or deserted during the year, and 27 children were killed during FARC-military clashes.

According to press reports, families from the demilitarized zone, as well as from Arauca, Valle del Cauca, and Antioquia departments have fled their homes because guerrilla groups have tried to recruit their children forcibly. On May 4, a woman from Norte de Santander department, with the help of the Colombian military, delivered her 12-year-old son to the ICBF to protect him from the FARC, which was trying to recruit him forcibly.

Children were also among the preferred kidnaping targets of guerrillas (see Section 1.b.). Pais Libre reports that the number of children kidnaped annually has increased in recent years, from 131 in 1998 to 206 in 1999, and as of November 12, 265 children had been kidnaped in 2000. According to one press report, more than 200 children were kidnaped during the year. For example, the FARC kidnaped 9-year-old Clara Oliva Pantoja on March 22 and 3-year-old Andres Felipe Navas on April 7 and held both in the despeje zone. Clara Olivia Pantoja was released in December(see Section 1.b.). In April three armed men kidnaped 9-year-old Dagberto Ospina Ospina from his school bus in southern Cali. No group has been identified or claimed responsibility.

People with Disabilities

The Constitution enumerates the fundamental social, economic, and cultural rights of the physically disabled; however, serious practical impediments exist that prevent the full participation of disabled persons in society. There is no legislation that specifically mandates access for the disabled. According to the Constitutional Court, physically disabled individuals must have access to, or if they so request, receive assistance at, voting stations. The Court also has ruled that the social security fund for public employees cannot refuse to provide services for the disabled children of its members, regardless of the cost involved.

Indigenous People

There are approximately 80 distinct ethnic groups among the country's more than 800,000 indigenous inhabitants. These groups are concentrated in the Andes mountains, Pacific Coast lowlands, the Guajira peninsula, and Amazonas department. According to the National Organization of Colombia's Indigenous (ONIC), 93 percent of indigenous people live in rural areas; 25 percent are on reservations, and approximately 115,000 indigenous people are without land.

The Constitution gives special recognition to the fundamental rights of indigenous people. The Ministry of Interior, through the office of indigenous affairs, is responsible for protecting the territorial, cultural, and self-determination rights of Indians. Ministry representatives are located in all regions of the country with indigenous populations and work with other governmental human rights organizations, as well as with NGO human rights groups and civil rights organizations, to promote Indian interests and investigate violations of indigenous rights. Nonetheless, members of indigenous groups suffer discrimination in the sense that they traditionally have been relegated to the margins of society. Few opportunities exist for those who might wish to participate more fully in modern life. The March report of the U.N. Commission on Human Rights noted that an estimated 80 percent of the indigenous population live in conditions of extreme poverty, that 74 percent receive wages below the legal minimum, and that their municipalities have the highest rates of poverty. In addition, indigenous communities suffer disproportionately from the internal armed conflict (see Section 1.g.). Members of indigenous communities often flee together in mass displacements, relocating to another indigenous community.

According to the National Agrarian Reform Institute (INCORA), 68,245 indigenous families live on designated Indian reserves. Indigenous groups' rights to their ancestral lands are by law permanent. INCORA reports that approximately 80 percent of these lands have been demarcated. However, armed groups often violently contested indigenous land ownership. According to ONIC, roughly 95 percent of the country's resources are found on indigenous reservations and claimed territories. Traditional Indian authority boards operate some 519 reserves; the boards handle national or local funds and are subject to fiscal oversight by the national Comptroller General. These boards administer their territories as municipal entities, with officials elected or otherwise chosen according to Indian tradition.

Indigenous communities are free to educate their children in traditional dialects and in the observance of cultural and religious customs. Indigenous men are not subject to the national military draft.

INCORA estimated that some 200 indigenous communities had no legal title to land that they claimed as their own. INCORA reported that at mid-year some 488 requests by indigenous communities to establish new reserves

remained outstanding. According to INCORA, more than 75 million acres have been recognized legally as Indian lands. It is buying back much of this land, which has been settled by mestizo peasants, and returning it to indigenous groups.

The Constitution provides for a special criminal and civil jurisdiction within Indian territories based upon traditional community laws. However, some observers asserted that these special jurisdictions were subject to manipulation, and that punishments rendered by such community courts were often much more lenient than those imposed by regular civilian courts.

Members of indigenous communities continued to be victims of all sides in the internal conflict, and a number of them were killed. The national Human Rights Ombudsman stated in its 1999-2000 annual report that among the indigenous communities most affected by extrajudicial killings, threats, and regional combat were the Corebaju in Caqueta, the Puinave in Guaviare, the Embera-Katio of Alto Sinu, the Embera-dobida of Choco, the Paez in Cauca, the Emaer-katio in Antioquia, the Guayabero on the Guaviare-Meta border, the Tule in Choco, and the U'wa in Boyaca and Casanare. The Human Rights Ombudsman's office reported 33 killings in indigenous communities in 1999; 22 of these victims were community leaders.

According to press reports, in June members of a paramilitary organization killed Joselito Bailarin, Embera-Katio governor of the community of Canaverales in Murri de Frontino in Antioquia department. On December 25, Embera leader Armando Achito reportedly was killed by paramilitary forces in Jurado municipality, Choco department.

There were no new developments in the 1996 murder of Indians Dagoberto Santero Bacilio, Carlos Arturo Solano Bernal, and Sergio (Manue) in San Antonio de Palmito in Sucre department, allegedly by paramilitary groups.

According to press reports, in early May, the FARC announced that it would execute seven Embera-Katio indigenous leaders in the town square at Frontino in Murri, Antioquia department, as retribution for the May 26 deaths of two indigenous brothers at the hands of paramilitary forces. The FARC believed that the indigenous leaders had laid a trap for the brothers by identifying them as guerrilla collaborators. The FARC stated that the indigenous leaders took too long (8 days) to report the crime. The Indigenous Organization of Antioquia (OIA) attributed the delay to difficulties in communicating from a rural zone to Medellin. The OIA called for a humanitarian commission to protect the leaders; however, on May 24, the FARC killed one of the leaders, a 30-year-old teacher named Hernando de Jesus Bailarin.

Paramilitary and guerrilla groups have been known to force indigenous people, including children, into their ranks. Some guerrilla groups reportedly favored indigenous people as guides and communicators, due to their knowledge of the geography of their historical lands and knowledge of generally unfamiliar languages.

On May 10, approximately 3,000 Kankuama tribe members from the Sierra Nevada of Santa Marta region in Magdalena department were pressured to leave their community by the AUC paramilitary organization. The AUC was fighting the FARC, ELN, and EPL guerrilla organizations in the region. On March 2, indigenous leader Jairo Bedoya Hoyos disappeared. The OIA held the AUC responsible. In an open letter, the AUC stated that it did not have Bedoya in its custody.

U'wa protests against initial drilling by Occidental Petroleum in an area near but not on their reserve continued. The U'wa filed several court challenges to drilling, and succeeded in winning brief delays before appeal courts ruled in favor of the Government's arrangement with Occidental. U'wa repeatedly sought to block road access to the drilling site; in one instance in February, police sought to remove an U'wa road block by using tear gas to disperse the crowd; in an ensuing panic the U'wa claimed that four children were killed (see Sections 1.a. and 2.b.). Press reports indicated that only one body was recovered. Indigenous Senator Jesus Pinacue announced a hunger strike to pressure Occidental Petroleum to leave U'wa land. Indigenous Senator Francisco Rojas Birri and Representatives Leonardo Caicedo and Jhonny Aparicio supported the hunger strike. A 1997 OAS joint study with a university recommended the immediate and unconditional suspension of oil exploration or exploitation activities; clarification of the status of U'wa territories and protected reserves; and the development of a formal process of consultation under the auspices of the Government. The U'wa also had threatened to commit collective suicide if their wishes were not respected. In August 1999, the Government increased the U'wa reserve, from 100,000 acres to 1.25 million acres. The area has estimated oil reserves of up to 1 billion barrels. In August a technical working group including the Ministries of Interior and Environment, as well as an advisor to the U'wa, reported that the Government and Occidental Petroleum are complying with all applicable regulations. The U'wa broke off talks in September, in response to a ruling by the Government's agrarian reform agency authorizing the state oil company to purchase lands to create a buffer zone around the drilling area. Talks remained suspended at the end of the year.

Beginning in early January, 167 indigenous members of the Embera-Katio tribe occupied the grounds of the

Ministry of the Environment in Bogota for 4 months to protest the flooding of their lands by the Urra hydroelectric project. In 1998 the Constitutional Court ruled that the human rights of the Embera had been violated by Urra because it had not consulted the Embera on the project.

Religious Minorities

There is little religious discrimination. The Roman Catholic Church and some evangelical churches reported that some indigenous leaders were intolerant of nontraditional forms of worship.

Three Mormon temples were bombed in April, and members of the Jewish community were victims of abuse (see Section 2.c.).

National/Racial/Ethnic Minorities

According to the Ministry of the Interior, citizens of African heritage live primarily in the Pacific departments of Choco (370,000), Valle del Cauca (1,720,257), Cauca (462,638), and Narino (261,180), as well as along the Caribbean coast. Although estimates vary widely, blacks represent approximately 10 percent of the total population.

Blacks are entitled to all constitutional rights and protections; however, they traditionally have suffered from discrimination. Blacks are underrepresented in the executive branch, judicial branch, and civil service positions, and in military hierarchies. Despite the passage of the African-Colombian law in 1993, little concrete progress was made in expanding public services and private investment in Choco department or other predominantly black regions. The same law also authorized black communities to receive collective titles to some Pacific coast lands. However, black leaders complained that the Government was slow to issue titles, and that their access to such lands often was inhibited by the presence of armed groups or individuals. Unemployment among African-Colombians ran as high as 76 percent in some communities. The March report of the U.N. Commission on Human Rights noted that an estimated 80 percent of African-Colombians live in conditions of extreme poverty, that 74 percent receive wages below the legal minimum, and that their municipalities have the highest rates of poverty. Choco remains the department with the lowest per capita level of social investment and is last in terms of education, health, and infrastructure. It also has been the scene of some of the country's most enduring political violence, as paramilitary forces and guerrillas struggled for control of the Uraba region.

Section 6 Worker Rights

a. The Right of Association

The Constitution recognizes the rights of workers to organize unions and to strike, except for members of the armed forces, police, and those "essential public services" as defined by law. However, legislation that prohibits all public employees from striking is still in effect, although it often is overlooked. In practice violence towards trade unionists and antiunion discrimination are obstacles to joining and engaging in trade union activities. Labor leaders throughout the country continued to be targets of attacks by paramilitary groups, guerrillas, narcotics traffickers, and their own union rivals. Union leaders contend that perpetrators of violence against workers, particularly members of paramilitary groups, operate with virtual impunity.

The 1948 Labor Code (which has been amended repeatedly) provides for automatic recognition of unions that obtain at least 25 signatures from potential members and comply with a simple registration process at the Labor Ministry; however, the International Labor Organization (ILO) has received reports that this process was slow and sometimes took years. The law penalizes interference with freedom of association. It allows unions to determine internal rules freely, elect officials and manage activities, and forbids the dissolution of trade unions by administrative fiat. In 1999 President Pastrana approved Law 584, which limits government interference in a union's right to free association. The law reflects recommendations made by the ILO Direct Contacts Mission and corresponds to international labor legislation. Previous requirements that were repealed under this law include the requirement that in order for a trade union to be registered, the labor inspector must certify that there is no other union. The law also amends the requirement that labor authorities must be present at general assemblies convened to vote on calling a strike (the trade unions now have the choice of having labor authorities present or not). However, the law added the requirement that when there is a request for information from an interested party, Ministry of Labor officials can require trade union leaders or members to provide relevant information on their work, including books, registers, plans, and other documents. The ILO Committee of Experts considers that this amendment is not in conformity with the freedom of association convention since control by an administrative authority should be used only for carrying out investigations when there are reasonable grounds that an offense has been committed.

According to estimates by the Ministry of Labor and various unions, 6 to 7 percent of the work force is organized. According to the Colombian Commission of Jurists, 89 percent of those organized are public sector workers. There are approximately 2,500 registered unions, 87 to 95 percent of which are organized in one of three confederations: The center-left United Workers' Central, with which 45 to 50 percent of unions are affiliated; the Maoist/Social Christian Colombian Democratic Workers' Confederation, with which approximately 30 percent of unions are affiliated; and the Liberal Party-affiliated Confederation of Colombian Workers (CTC), with which 12 to 15 percent of unions are affiliated. Unions and Ministry of Labor officials report that union membership has declined in recent years.

Before staging a legal strike, unions must negotiate directly with management and, if no agreement results, accept mediation. By law, public employees must accept binding arbitration if mediation fails; in practice, public service unions decide by membership vote whether or not to seek arbitration. In early August leaders of some unions called for a 24-hour strike by an estimated 700,000 state workers, including the Sindicated Union of Workers (USO) oil workers, the main public sector employees' union, telecommunications workers, teachers, and health workers, to protest government austerity workers and high unemployment.

Unions, indigenous groups, debtors, students, and others continued to both protest and negotiate with the Government over the latter's inability to confront the country's economic downturn, soaring unemployment, and a Labor Code reform bill which may eliminate several popular worker benefits. On August 3, a general strike organized by various unions, including the United Workers' Central (CUT) and the General Confederation of Democratic Workers (CGTD), protested economic policies, privatizations, unemployment, new taxes, and social security reforms in Bogota and other cities throughout the country. Union strikers were joined by bank employees and state workers, such as teachers and health employees.

Labor leaders throughout the country continued to be targets of attacks by paramilitary groups, guerrillas, narcotics traffickers, and their own union rivals. Labor leaders and NGO's reported that 105 union members were killed during the year; U.N. officials reported 54 murders of labor leaders during the first 10 months of the year. According to the National Labor School (ENS), approximately 1,500 union members have been murdered since 1991, and unions face widespread societal hostility because they are seen by some observers as "subversive." Trade union leaders allege that 90 percent of victims were killed by paramilitary groups. Other victims were targeted by the FARC for their membership in, or sympathy with, the National Syndicate of Agricultural Industry Workers (Sintrainagro), a union largely composed of demobilized EPL members. Many of the murdered Sintrainagro members had worked in the banana industry in the Uraba region. The ILO Direct Contact Mission preliminary report in March noted that "cases where the instigators and perpetrators of the murders of trade union leaders are identified are practically nonexistent, as is the handing down of guilty verdicts." The ENS also reported that in the last 5 years, 47 unionists have been the victims of forced disappearances, 60 unionists were kidnaped, and 1,573 unionists received death threats. The USO reported that at least 600 trade union leaders were displaced during the first 10 months of the year.

In May 1998, the ILO expressed serious concern over allegations of murders, forced disappearances, death threats, and other acts of violence against trade union officials and members. The ILO documented more than 300 murders of trade union members during 1995-98. The ILO criticized the Government for failing, since November 1996, to provide it with information on a single case of detention, trial, and conviction of anyone responsible for the murder of union officials and members.

In February an ILO Direct Contacts Mission, which had been approved by the ILO Governing Body and accepted by the Government in November 1999, visited the country to examine alleged abuses of workers' rights to life, free association, and collective bargaining. In March the Direct Contacts Mission presented a preliminary report to the Governing Body's committee on freedom of association, which noted that the Government was "making sincere efforts" to address these problems. The report expressed concern over the number of killings, kidnapings, death threats, and other violent assaults on trade union leaders and unionized workers and stated that killings of trade union leaders and unionized workers were a "regular" occurrence.

Government efforts to overcome impunity include the establishment of 25 special human rights investigative subunits, one of which is responsible for cases of human rights violations of trade unionists, and a 49 percent increase in the legal budget for judicial employees. To protect trade unionists from violence, in 1999 the Government developed the Program for the Protection of Human Rights Defenders and Trade Union Leaders. As of November, the program provided protection for 41 trade union premises and protection for 116 leaders and activists. These individuals are provided with bulletproof vests, bodyguards, and in some cases vehicles. Trade unionists complain that these measures are insufficient to protect adequately the large number of trade unionists who are threatened, and continue to press for more efforts to break the impunity with which most of these acts are committed.

The ILO's recommendations included an urgent and global inquiry into the participation of public officials in the

creation of self-defense or paramilitary groups; an increase in government budgetary allocations to protect trade union officials; and an increase in efforts to combat impunity. After a contentious debate at the June International Labor Conference, the Government and worker delegations agreed to a compromise offered by the ILO Director General Juan Somovia: the establishment of an ILO office in Bogota to be headed by his personal representative. Rafael Alburquerque was appointed ILO Special Representative to Colombia and began work in October. In November Alburquerque reported to the ILO Governing Body that the situation continues to be grave; the Special Representative's next report is expected in March 2001.

On May 4, Javier Suarez, the leader of a truck drivers' union, was shot and killed near his home in Buenaventura. Union leaders suspected that paramilitary groups were responsible.

In early August, Carmen Emilio Sanchez Coronel, a trade unionist with the teacher's union in Norte de Santander department, was killed along with seven other trade unionists at a paramilitary roadblock. The CUT also blamed paramilitary forces for the August 2 death of Antioquia union worker Luis Rodrigo Restrepo. The CUT alleged that paramilitary groups were targeting its rank and file members as well as union leaders.

On December 15, five men seriously wounded Wilson Borja, president of public employees' union FENALTRASE, when they fired on his car at a stoplight in an apparent attempt to kill him. The attackers killed a 30-year-old female street vendor and wounded one of Borja's two bodyguards. Paramilitary leader Carlos Castano publicly admitted ordering the attack and claimed that he meant to "detain" Borja. Most observers connected the attempt, which followed press reports of progress toward establishing an ELN "encounter zone," with Borja's role in facilitating the ELN peace process. Police detained one suspected gunman and a possible paramilitary accomplice within days of the attack.

Prosecutors have outstanding warrants for the arrest of paramilitary members Temilda Rosa Martinez and Eduardo Manrique Morales in the February 1999 killing of 72-year-old Julio Alfonso Poveda, a CUT founder.

In December the Prosecutor General's office arraigned three hired killers alleged to have murdered CUT vice president Jorge Ortega in 1998.

There were no leads in the August 1999 bomb incidents at both the Sincelejo, Sucre department offices of the Association of Rural Land Users (which was destroyed by a bomb) and at the Medellin office of the USO, where a bomb was defused. According to the ENS, there have been 14 bombing attempts against union offices in the last 3 years.

The Government still has not addressed a number of ILO criticisms of the Labor Code. In 1993 the ILO had complained about the following provisions of the law: The requirement that government officials be present at assemblies convened to vote on a strike call; the legality of firing union organizers from jobs in their trades once 6 months have passed following a strike or dispute; the requirement that contenders for trade union office must belong to the occupation their union represents; the prohibition of strikes in a wide range of public services that are not necessarily essential; various restrictions on the right to strike; the power of the Minister of Labor and the President to intervene in disputes through compulsory arbitration when a strike is declared illegal; and the power to dismiss trade union officers involved in an unlawful strike.

The expired 1995 collective work convention between Ecopetrol and the USO was replaced by a new agreement in May 1999. USO leadership remained in open conflict with the Government on many issues. USO leaders reported that its members in the oil-producing Magdalena Medio region continued to receive death threats from presumed paramilitary groups, who have accused USO officials of working with the ELN guerrillas waging a sabotage campaign against the country's oil pipelines.

Unions are free to join international confederations without government restrictions.

b. The Right to Organize and Bargain Collectively

The Constitution protects the right of workers to organize and engage in collective bargaining. Workers in larger firms and public services have been most successful in organizing, but these unionized workers represent only a small portion of the economically active population. High unemployment, traditional antiunion attitudes, a large informal economic sector, and weak union organization and leadership limit workers' bargaining power in all sectors. The requirement that trade unions must cover the majority of workers in each company as a condition for representing them in sectoral agreements further weakens workers' bargaining power.

The law forbids antiunion discrimination and the obstruction of free association; however, according to union leaders, both discrimination and obstruction of free association occurred frequently. Government labor inspectors

theoretically enforce these provisions, but because there are 271 labor inspectors to cover 1,085 municipalities and more than 300,000 companies, the inspection apparatus is weak. Furthermore, labor inspectors often lacked basic equipment, such as vehicles. Guerrillas sometimes deterred labor inspectors from performing their duties by declaring them military targets.

The Labor Code calls for fines to be levied for restricting freedom of association and prohibits the use of strike breakers.

Collective pacts--agreements between individual workers and their employers--are not subject to collective bargaining and typically are used by employers to obstruct labor organization. Although employers must register collective pacts with the Ministry of Labor, the Ministry does not exercise any oversight or control over them.

The Labor Code also eliminates mandatory mediation in private labor-management disputes and extends the grace period before the Government can intervene in a conflict. Federations and confederations may assist affiliate unions in collective bargaining.

Labor law applies to the country's 15 free trade zones (FTZ's), but its standards often were not enforced in the zones. Public employee unions have won collective bargaining agreements in the FTZ's of Barranquilla, Buenaventura, Cartagena, and Santa Marta, but the garment manufacturing enterprises in Medellin and Risaralda, which have the largest number of employees, are not organized. Labor unions do not exist in any of the zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution forbids slavery and any form of forced or compulsory labor, and this prohibition generally is respected in practice in the formal sector; however, women were trafficked for the purpose of forced prostitution (see Section 6.f.).

Paramilitary forces and guerrilla groups forcibly conscripted indigenous people (see Section 5). There were some reports that the guerrillas used forced labor to build clandestine roads.

The law prohibits forced or bonded labor by children; however, the Government does not have the resources to enforce this prohibition effectively (see Section 6.d.). Although there were no known instances of forced child labor in the formal economy, several thousand children were forced to serve as paramilitary or guerrilla combatants (see Section 1.g.), to work as prostitutes (see Section 5), or in some instances as coca pickers.

Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution prohibits the employment of children under the age of 14 in most jobs, and the Labor Code prohibits the granting of work permits to youths under the age of 18; however, child labor is a significant problem, particularly in the informal sector. A 1989 decree established the Minors' Code and prohibited the employment of children under age 12. It also stipulated exceptional conditions and the express authorization of Labor Ministry inspectors for the employment of children between the ages of 12 and 17 years. Children under age 14 are prohibited from working, with the exception that those between the ages of 12 and 14 may perform very light work with the permission of their parents and appropriate labor authorities. All child workers (anyone under the age of 18) must receive the national minimum wage for the hours they work. Children between the ages of 12 and 14 can work a maximum of 4 hours a day; children between the ages of 14 and 16 can work a maximum of 6 hours a day; and children between the ages of 16 and 18 can work a maximum of 8 hours a day. All child workers are prohibited from working at night, or performing work in which there is a risk of bodily harm or exposure to excessive heat, cold, or noise. A number of specific occupations are prohibited for children as well, such as mining and construction. However, these requirements largely are ignored in practice, and only 5 percent of those children who work have filed for the required work permits. By allowing children between the ages of 12 and 13 to work, even under restricted conditions, the law contravenes international standards on child labor, which set the minimum legal age for employment in developing countries at 14 years.

In the formal sector, child labor laws are enforced through periodic review by the Ministry of Labor and by the military, which ensures compliance with mandatory service requirements. However, in the informal labor sector and in rural areas, child labor continues to be a problem, particularly in agriculture and mining. Children as young as 11 years of age work full-time in almost every aspect of the cut flower industry as a way to supplement family income. Even children enrolled in school or, in some cases, those too young for school, accompany their parents to work at flower plantations at night and on weekends. In the mining sector, coal mining presents the most

difficult child labor problem. Many marginal, usually family-run, mining operations employ their young children as a way to boost production and income; it is estimated that between 1,200 and 2,000 children are involved. The work is dangerous and the hours are long. Younger children carry water and package coal, while those age 14 and up engage in more physically demanding labor such as carrying bags of coal. These informal mining operations are illegal. The Ministry of Labor reported that, by the end of 1999 an interagency governmental committee had removed approximately 80 percent of child laborers from the informal mines and returned them to school. The law prohibits the employment of minors for prostitution; however, child prostitution is a problem. In August the Prosecutor General's Specialized Sex Crimes and Human Dignity Unit reported that from August 1999 to August 2000 it opened 41 cases in which a child under age 14 was induced or lured into prostitution.

A Catholic Church study conducted in May 1999 reported that approximately 2.7 million children work, including approximately 700,000 who worked as coca pickers. This represented a sharp increase from 1992, when according to a 1997 study by Los Andes University, approximately 1.6 million children (between the ages of 12 and 17) worked. One observer noted that the recent economic downturn might increase the number of children working, especially in rural areas. Child participation in agricultural work soared at harvest times. According to the Ministry of Labor, working children between the ages of 7 and 15 earned on average between 13 and 47 percent of the minimum wage. An estimated 26 percent of working children had regular access to health care; approximately 25 percent were employed in potentially dangerous activities. The ICBF estimated that paramilitary and guerrilla groups employed 6,000 children as combatants (see Section 5). School attendance by working children was significantly lower than for nonworking children, especially in rural areas. The health services of the social security system cover only 10 percent of child laborers. A 1996 study by the national Human Rights Ombudsman of child labor in Putumayo department found that 22 percent of the children between the ages of 5 and 18 were full-time coca pickers. In the municipality of Orito, the figure reached 70 percent.

The Labor Ministry has an inspector in each of the 33 departments responsible for certifying and conducting repeat inspections of workplaces that employ children; however, this system has few resources and covered only the 20 percent of the child work force employed in the formal sector of the economy. In 1995 the Government established a National Committee for the Eradication of Child Labor, made up of representatives from the Ministries of Labor, Health, Education, and Communications, as well as officials from various other government offices, unions, employer associations, and NGO's. Under the Action Plan, the Government distributed funds during the year to member organizations of the committee for child labor eradication projects. The Government also obtained commitments from the country's leading trade associations and unions to implement child labor eradication programs with the jointly ILO's IPEC program, these programs were in the preparatory stages at year's end. During the year, the Government formulated a 2000-02 Action Plan which gives priority to direct intervention on behalf of domestic child workers, child miners, sexually exploited children, children in trade activities and children in the agricultural sector. It has also designed a project, for which it is seeking funding, to collect more reliable national data on child labor.

The Government is taking steps to incorporate into national law, ILO Convention 182 concerning the prohibition of and immediate action for the elimination of the worst forms of child labor.

The Government prohibits forced and bonded labor by children; however, it is unable to enforce this prohibition effectively, and trafficking in girls for the purpose of forced prostitution and the forced recruitment of child soldiers are problems (see Sections 1.f., 1.g., 6.c., and 6.f.).

e. Acceptable Conditions of Work

The Government sets a uniform minimum wage for workers every January to serve as a benchmark for wage bargaining. The monthly minimum wage, set by tripartite negotiations among representatives of business, organized labor, and the Government was about $150 (322,500 pesos) throughout the year. The minimum wage does not provide a decent standard of living for a worker and family. Because the minimum wage is based on the Government's target inflation rate, the minimum wage has not kept up with real inflation in recent years. A total of 70 percent of all workers earn wages that are insufficient to cover the costs of the Government's estimated low-income family shopping basket. However, 77 percent of all workers earn no more than, and often much less than, twice the minimum wage.

The law provides for a standard workday of 8 hours and a 48-hour workweek, but it does not require specifically a weekly rest period of at least 24 hours, a failing criticized by the ILO.

Legislation provides comprehensive protection for workers' occupational safety and health; however, these standards are difficult to enforce, in part due to the small number of

Labor Ministry inspectors. In general, a lack of public safety awareness, inadequate attention by unions, and lax enforcement by the Labor Ministry result in a high-level of industrial accidents and unhealthy working conditions.

Over 80 percent of industrial companies lack safety plans. The Social Security Institute reported 53,408 work-related accidents during the year, which resulted in 417 deaths. There were 243 cases of work-related illness. The industries most prone to worker accidents were mining, construction, and transportation.

According to the Labor Code, workers have the right to withdraw from a hazardous work situation without jeopardizing continued employment. However, unorganized workers in the informal sector fear the loss of their jobs if they exercise their right to criticize abuses, particularly in the agricultural sector.

f. Trafficking in Persons

There are no laws that specifically address trafficking in persons, and the country is a source for trafficking in women and girls to Europe, the United States, and Asia. In June Congress approved a new Criminal Code, which provides for a prison term of 6 to 8 years and a fine up to the equivalent of 100 times the minimum legal monthly salary for any person who "promotes, induces, compels, facilitates, collaborates, or in any other way participates in the entry or exit of people into or from the country without complying with all legal requisites." While intended to combat alien smuggling in general, the law could be used to prosecute traffickers as well. The law is scheduled to enter into effect in January 2001.

A government committee composed of representatives of the Ministry of Foreign Affairs, Interpol, the DAS, the Ministry of Justice, the Attorney General's office, the Prosecutor General's office, and the presidency meets once every 2 months to discuss trafficking in persons. In November the Ministry of Justice, the Organization for International Migration, and NGO Hope Foundation held the first national conference on trafficking in persons.

The DAS reported at that conference that Colombia is the third most common country of origin of trafficking victims, and that the majority of Colombian women trafficked for prostitution go to the Netherlands, Spain, Japan, Singapore, and Hong Kong. The Organization for Security and Cooperation in Europe issued a report on trafficking in persons in September 1999, which stated that women and girls from Colombia also are trafficked to North America. According to press reports, more than 50 percent of women from Colombia who enter Japan are trafficking victims forced to work as prostitutes. According to the DAS, 126 Colombian trafficking victims have been rescued abroad by Interpol during 1998-2000, and 115 victims were rescued by the National Police during 1999-2000. According to police, the majority of international trafficking operations are managed by Colombians and have ties to narcotics trafficking.

First Lady Nohra Pastrana, in conjunction with the Foreign Affairs Ministry and Interpol, participated in a public relations campaign to alert citizens, in particular women, to the risks of immigrating illegally to other countries.

On June 23, a Colombian woman trafficked to Denmark was granted asylum in Denmark after testifying against Colombian and Danish traffickers. In August police in Andalucia, Spain, detained 51 persons and broke up a ring that trafficked women from Brazil, Colombia, and Ecuador for purposes of prostitution.

[End.]

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Mr. SOUDER. It gives me great pleasure to introduce and recognize the new vice chairman, the distinguished vice chairman of the subcommittee, Congressman Gilman of New York.

Mr. GILMAN. Mr. Chairman, we commend you for taking on the responsibilities of the problems in international narcotics in this committee. I want to thank you for conducting this important hearing today on Plan Colombia.

Our congressional Souder delegation returned just a few days ago from visiting Colombia, visiting Bolivia and our Forward Operating Locations in the Americas; and we were able to participate in a very important international drug parliament conference in Santa Cruz, where we were elated to find that 30 countries were represented at that forum and over 170 delegates attended.

We were also pleased that Donnie Marshall was able to join us, the Director of DEA, as well as representatives of the INL and many of our DEA personnel from that region were present.

As we all know, Bolivia is a major drug-fighting success story within a sea of pessimism, as has been portrayed by the media, who contend that little can be done about illicit drugs. However, it has been demonstrated that where there is a political will and international support we can eliminate drugs, just as Bolivia is on the verge of doing at the present time.

Bolivia can be held up as a model to the world in its successful efforts to eradicate its drug production. Within a few weeks, we think that will be reduced to a subzero.

On the other hand, Colombia has become a basket case. Colombia's weak government is carving its nation into zones of impunity to appease the narcoguerillas. FARC, in turn, have responded to peace talks and gestures with more and more hostile attacks; and it is reported that the FARC have increased the coca production in its region by some 32 percent, that is 32 percent of an increase in that DMZ. And by some reports, it can go to even a higher figure this year.

Regrettably, we have in Colombia a peace process without any peace. We have kidnappings, smuggling, drug production, all taking place within that zone of impunity.

No sooner had President Pastrana claimed that the peace process was back on track, in recent days, the FARC responded by killing 10 innocent hikers. While we were visiting Colombia, the FARC shot down a Colombian National Police Huey II helicopter on a coca relief eradication and temporarily put out of commission one of the new CNP Blackhawks, just an hour after we had inspected it, by severing its fuel cell with hostile gun fire. Some peace process.

With regard to U.S. policy, our bureaucracy reflects some frustrating confusion on the role of the counterdrug police in Colombia in comparison to that of the Colombian Army, as that recent Huey II shot down clearly demonstrated while we visited that beleaguered nation.

Following 4 days of formally requesting the Colombian Army's assistance for security on the ground in that particular coca eradication effort in Caqueta, the Colombian police began their eradication without having any protective Army support, even though

they had requested support for that eradication effort 4 days prior to undertaking it.

As a result, the Huey II was shut down, a police pilot was hospitalized in Bogota, where our staff was able to visit with him. We were informed that the Colombia Army's counternarcotics battalion did not help, because they were out destroying low-level coca leaf processing labs, which normally is a law enforcement function supposed to be conducted by the police.

In Plan Colombia, we were led to believe it was going to be clear that the police would do the eradication after the Army first secured the area to avoid any aerial shoot downs. The morale of the Colombian counternarcotics police regrettably today is at a low point due to this conflict in policy.

The Army has been claiming credit for all sorts of things like eradication, which the police have been doing. In many cases, as the shootdown incident points out, the Army is not doing what it needs to be doing, needlessly exposing valuable police assets and officers and in some cases without any prior consultation and eradication operations when they need help.

This certainly is not a pretty picture, and our Nation's policy lacks clarity. Clarity that is sadly needed right now. As we learned in Vietnam, that can result in real trouble.

In addition, we are now finding that the scarce Colombian police drug-fighting resources are being diverted to the Colombian Army and away from any effective drug police who have a spotless human rights record—I might point out to our gentlewoman from Illinois, a spotless human rights record by the Colombian antinarcotics police—and their effective performance record in eradicating the illicit drugs to which both we and our DEA can attest to.

A strong case that points to the erosion of support is that we learned of cheap, 50 caliber ammunition of Korean-era vintage, 1952, being foisted upon the CNP to be used in their defensive weapons on these new Blackhawks despite the fact that it violates the $750,000 gattling gun manufacturer's warranty resulting in a jamming of their weapons.

This ammo cost saving, we have been informed, is to try to preserve money-per-round fired, while ignoring the cost of trying to secure $14 million helicopters that have been purchased at the costs of taxpayer money. Never mind protecting the priceless lives of courageous CNP officers and the men flying these choppers and fighting our fight. I think we have our priorities a little bit misconstrued and out of whack.

This inexcusable list of problems goes on and on. Yes, we support the Colombia plan, but we want it to be an effective plan. We don't want the arm-chair generals diverting the funds that are needed by the warriors out there, who are doing a job, to other sources.

Three of the six new Blackhawks that we gave to the CNP are now grounded. Why are they grounded? Because of a lack of spare parts which we have never shipped to the counternarcotics police.

Two of the three police supply planes used to move vital fuel and herbicide to the front are also grounded, again, due to a lack of supplies.

The police now have to rely on commercial trucks driven over dangerous roads or on commercial cargo flights, neither reliable in wartime and subject to a sudden FARC cutoff. Those commercial flight are costing up to $15,000 per day for moving few supplies alone.

Does that make sense? These cargo planes have been requested by the police now for over 2 years, and still no response from our bureaucrats.

We all recognize what such a supply problem means. We were told by the military on the ground that the supply line problem is Plan Colombia Achilles heel. Let me repeat that. That the supply line problem is Plan Colombia Achilles heel. If we mean what we say by Plan Colombia of over $1 billion to fight this war, then why aren't we giving the important equipment to the people who are fighting that war?

Yet when we pressed and pressed from this committee, no one offered any plan for addressing the supply line problem, a question that we raised now for an undue amount of time.

If the DOD and the State Department witnesses here cannot tell us today that they will make it a priority to get the CNP the kind of supply aircraft that they need now, I don't intend to support one more dollar for this plan; yet, I recognize how important the plan is and how needed it is.

In addition, and I will end with this complaint, which is most troubling of all, we learned on the congressional delegation, the Souder delegation, and our visit that eradication of opium by the CNP with the new Blackhawks that we gave them last year was stopped, stopped while the coca eradication in the south took a priority. Yes, that coca eradication is important, but so is the eradication of opium in the north.

In calendar year 2000, the police eradicated a record 9,200 hectares of opium in Colombia, the key ingredient in the deadly heroin that has been flooding our Nation.

This year we are told that they are going to do less than one-third some 6,000 hectares of opium eradication. As a result, more of our young people caught up in the current heroin crisis here at home will die needlessly for a lack of an effective U.S. heroin strategy directed at Colombia where 70 percent of our problem now originates.

As the FBI, the DEA, and the U.S. Customs told our House Committee on International Relations 2 years ago, opium eradication is the only real viable heroin strategy that truly works. Regrettably, we predicted this mess in my November 14th letter cosponsored by a number of my colleagues to General McCaffrey. Copies are available for all. I called then for a mid-course correction and clarity in our U.S. policy, and I do so again today.

It is clear that the CNP antidrug unit should be doing the police function and fighting drugs. As a Nation, we must also consider and debate clear and unambiguous counterinsurgency aid to the Colombian military to help preserve its democracy without any distorted effort and confusion in our antidrug policy, especially within our State Department, which has been making unwise arm-chair military decisions as we observed firsthand on our recent visit and after talking to the people out on the front line.

We need today a high-level interagency task force to take control of our American policy in Colombia, working with our Colombian allies to preserve their democracy and at the same time stopping this massive flow of drugs from Colombia into our Nation.

I intend to take this up with Secretary Powell urging him to clean house at Bogota and here in Washington as well, and in INL in particular and our State Department.

We can and must make a mid-course correction before it is much too late. Our national security, our families, our children deserve nothing less. Thank you, Mr. Chairman.

Mr. SOUDER. Thank you.

[The prepared statement of Hon. Benjamin A. Gilman follows:]

Statement of Chairman Benjamin A. Gilman
Committee on Government Reform
Subcommittee on Criminal Justice
Hearing on Colombia Drug Policy
March 2, 2001

Mr. Chairman, Thank you for calling this important Plan Colombia hearing. Our Congressional Delegation has just returned from visiting Colombia and Bolivia, and our Forward Operating Locations (FOL's) in the Americas.

Bolivia is a major drug-fighting success story within a sea of pessimism in the media that little can be done about illicit drugs. It has been demonstrated that where there is political will and international support we can eliminate drugs, just as Bolivia is on the verge of doing. Bolivia is a model for the world in its successful efforts to eradicate its drug production.

On the other hand, Colombia is a basket case. Colombia's weak government is carving up the nation into zones of impunity to appease the narco guerillas. They, in turn, respond to any peace talks and gestures with more and more hostile attacks, and the FARC has increased coca production 32 percent in the DMZ, by some reports. We have a peace process without any peace in Colombia today.

No sooner had President Pastrana claimed that the peace process was back on track, the FARC executed ten innocent hikers. While we were visiting in Colombia for just two days, the FARC shot down a Colombian National Police Huey II helicopter on a coca leaf eradication mission, and temporarily put out of commission one of the new CNP Black Hawks, just an hour after we had viewed it, by severing its fuel cell with hostile gun fire. Some peace process!

With regard to U.S. policy, our bureaucracy reflects hopeless confusion on the role of the police versus the Colombian army, as the recent Huey II shoot-down clearly demonstrated while we visited that beleaguered nation.

After four days of formally requesting the Colombian Army's assistance for security on the ground in that particular coca eradication effort in Caqueta, the Colombian Police began their eradication without army support.

As a result, the HUEY II was shot down and the police pilot was hospitalized in Bogota, where our staff visited him. The Colombian Army's counter-narcotics battalion did not help because, we were informed, it was out destroying low- level coca leaf processing labs, which is normally a law enforcement function conducted by the police.

In Plan Colombia we were led to believe that it was clear that the police would eradicate in the south after the army secured the area first to avoid any aerial shootdowns.

The morale of the police is low. The army has been claiming credit for all sorts of things like eradication, which the police are doing. In many cases, as this shootdown incident points out, the Army is not doing what it needs to, heedlessly exposing valuable police assets and officers, in some cases without any prior consultation on operations when they need help.

This is not a pretty picture, and our nation's policy lacks any clarity. As we learned in Vietnam, that can mean real trouble.

In addition, we are now finding that the scarce police drug fighting resources are being diverted to the Colombian Army and away from the effective anti-drug police, who have a spotless human rights record and a proven performance record, to which both we and our DEA can attest.

A good case that points to this erosion is that we also learned of cheap, 50 caliber ammunition of Korean-era age (1952), being pushed by our embassy onto the CNP, to be used in their defensive weapons on the new Black Hawks despite the fact that it violates the $750,000 gattling gun manufacturer's warranty, jamming the guns.

This "ammo" cost saving, we are told, is to preserve money-per-round fired, while ignoring the cost of securing the $14 million dollar Black Hawks paid for by the U.S. taxpayer. Never mind protecting the priceless lives of the courageous CNP officers and the men flying these choppers and fighting our fight – we have our priorities all wrong.

This inexcusable list of problems goes on and on. Three of the six new Black Hawks we gave the CNP are now grounded for lack of spare parts. Two of the three police supply planes used to move vital fuel and herbicide to the front are also grounded. The police now must often rely on commercial trucks driven over dangerous roads, or on commercial cargo flights, neither reliable in wartime and subject to a sudden FARC cutoff. Commercial flights are costing up to $15,000 per day for moving fuel supplies alone.

We all recognize what such a supply problem means. We were told by the military on the ground that the supply line problem is Plan Colombia's "Achilles heel." Yet when we pressed and pressed, no one offered any plan for addressing the supply line problem, a question which I have raised for several years.

If the DOD and State Department witnesses here don't tell us today they will make it a priority to get the CNP the Buffalo supply planes they need now, I will <u>not</u> support one more dollar for the Colombian Army.

In addition, and I will end with this complaint, which may be most troubling of all, we learned on our Congressional Delegation visit that eradication of opium by the CNP with the new Black Hawks we gave them last year has stopped, while the coca eradication in the south has taken a priority.

In calendar year 2000, the police eradicated a record 9,200 hectares of opium, the key ingredient in the deadly Colombian heroin flooding our nation. This year, we are told that they will do one-third less (6,000 hectares). As a result, more American youngsters caught up in the current heroin crisis here at home will die needlessly for lack of an effective U.S. heroin strategy directed at Colombia, where 70 percent of our problem now originates. As the FBI, DEA and U.S. Customs told my House Committee on International Relations two years ago, opium eradication is the only real viable heroin strategy that works.

Regrettably, I predicted this mess in my November 14th letter to General Mc Caffrey. Copies are available for all to see. I called then for a "mid course correction" and clarity in our U.S. policy, and I do so again today!

It is clear – the CNP anti-drug unit should be doing the police function in fighting drugs. As a nation we must also consider and debate clear and unambiguous counter-insurgency aid to the Colombian military to help preserve its democracy without any distorted effort and confusion in our anti-drug policy, especially with our State Department making unwise "arm chair" military decisions, as we observed first-hand on our visit after talking to the pilots.

We need a high level inter-agency task force to take control of our American policy in Colombia, working with our Colombian allies to preserve their democracy, at the same time stopping the flow of drugs into our nation.

I intend to speak to Secretary Powell, urging him to clean house in Bogota and here in Washington as well, and in INL in particular, at our State Department.

We can and must make a mid-course correction before it's too late. Our national security, and our families and our children deserve nothing less.

Thank you.

Mr. SOUDER. We are also joined this morning by subcommittee member and distinguished immediate past chairman, Congressman John Mica of Florida.

Do you have an opening statement?

Mr. MICA. Thank you, Chairman Souder; and I am pleased to remain on the panel under your chairing this new effort to get our real war on drugs back in place in action.

I share the concern of members of the panel who have expressed their outrage at Colombians who have been killed by either the right or the left. I think it is more than 30,000 to date in that country, which is such a beautiful country and a great neighbor. However, I am just as concerned that last year we surpassed 16,000 Americans who died as a direct result of illegal narcotic overdoses in the United States.

So if we take the last 2 years, we have exceeded basically what has taken place in Colombia's civil war for some three decades on the streets of our communities, the silent war and death going on. I am very concerned about what is happening in our country.

If you look at the homicides in this country that are less than the 16,000, probably half of those are also drug related. And then if we take the figures given to us by the former drug czar, Barry McCaffrey, he said if you extend that out and take all the deaths related last year, it exceeded 50,000. And nobody seems to give a wimp, particularly in the press. They are more concerned about hurting the hair on the back of some leftist narcoguerilla.

I, too, returned and learned some interesting things. I learned that our Plan Colombia is still in shambles; that the history of the former administration is an absolute disaster, that they, in fact, displaced drug production, coca, in particular, and now heroin and poppy from Bolivia and Peru to Colombia first through their 1993 measures of stopping information sharing.

How can you fight a war on drugs when you close it down, which they did in 1993? Not sharing information with those who could stop the production and trafficking of illegal narcotics.

How can you fight a war in 1995 when they decertified and made a joke of our certification process without granting a national interest waiver and blocking for a number of years any real assistance to Colombia to stop the production, stop the growth of narcoterrorism? So what we have inherited from this administration is a disaster.

The last several years, Mr. Gilman; myself; Mr. Souder; the Speaker of the House, former chairman of the subcommittee; we attempted to get aid to Colombia; and it was blocked. And then when they sent aid, they sent ammunition, we heard, that wouldn't fire. We asked for helicopters to be sent there, because in order to eradicate the drugs, you need helicopters or some way to get to these areas where they are first producing and dealing in the drugs.

We finally got six helicopters, Blackhawks, to the National Colombian Police. We saw and we were told that three of them are operational, one is being cannibalized for parts and two were not operational.

Now, how can you get the police there? Even in Colombia, the military are not law enforcement agents just like in the United States, they only can do surveillance, surround, and protect an

area for defense purposes, and that is what they do for the police. Now how in heavens name can you get the police there when the main source of delivery is C–130's or helicopters?

You heard here that one was shot down while we were there with inadequate defense of systems, also inadequate spare parts, inadequate maintenance, inadequate training, but how can you get troops there to protect that local populous and the police to do their law enforcement work when they have nine C–130's and only one of them is operational?

A military man from the United States told me that one national guard unit or possibly several on rotation could go down and in a few months train these people, and we could also supply spare parts which would be a unique approach to conduct this.

So what we have had is the gang that can't shoot straight, trying to put together a $1.3 billion package. We have seen what works. We visited Bolivia. Bolivia pulled by hand the last few thousand acres of coca. They did it the hard way.

We are spraying it. And I am pleased to report in the last 90 days we have sprayed 29,000 hectares, which, if we could continue that program and get our equipment operational, with a little bit of determination and not much money, we can get a handle on coca and heroin production which are killing our kids in unprecedented numbers.

We also learned that the Forward Operating Locations, which were formerly out of Panama and which the administration failed to negotiate a lease of that base, which could have cost us several million dollars, a small amount to lease from Panama, where we already had $10 billion in infrastructure, we are now building it at a cost of $150 million runways to replace Panama's forward surveillance operations in the drug war.

We found that that is still 2 years off; that we don't have agreement by Netherlands to locate in the Antilles, and then we found that we are building runways for planes that we don't have, the AWACS which were diverted by the Clinton administration aren't even available even when the runways will be available.

So there are many questions raised about the execution of the plan. It is my hope, and I join Mr. Gilman, if we don't have this together, I will not support another penny, if we don't have the proper leadership-executed plan.

It doesn't take that much money. In Bolivia, about $40 million, the plan that we worked on with President Banzer and the Vice President and others, they eradicated coca. We do know alternative development will work. And so far the U.N. has had about the best program, and we gave $5 million for alternative development in a contract so far out of a $1.3 billion program to the U.N. Office of Drug Control Policy, which is much better equipped than the United States and much more credible to deal in alternative development programs.

We know the carrot and the stick does work. It has worked in Bolivia. Peru used a different approach. They shot the bastards down, and that worked. They caged the guerillas and that worked, and they jailed others and suspended civil rights. Well, that will work. I am not advocating that in each country.

Each country has its problem, and Colombia, in particular, is a unique situation. But there is no reason in the world why we can't stop illegal narcotics production. And, yes, the liberals will say, oh, it is a treatment thing, and we can just put our money in treatment. Well, I will tell you, if you take that approach and not start a real war on drugs, you can use the Baltimore example, which went from a few thousand heroin addicts to 60,000.

One in eight in the city of Baltimore, because of a liberal philosophy, tolerant philosophy, lack of law enforcement philosophy, is now an addict. And, thank God, we held a hearing there 1 year ago last month when the murders continued to hover over 300 consistently and decline in population increase in murders.

I am pleased to report with higher—with one of Mr. Guliani's assistants that has fallen to about the 260 range with the help and the efforts of this subcommittee. So tougher enforcement, eradication, interdiction, and, yes, a balanced approach with treatment will work.

It is a little bit lengthy statement, but as the former chairman, I get a little slack. Thanks, Mr. Chairman.

Mr. SOUDER. Thank you.

We are also joined by Congresswoman Davis of Virginia, a new member of our subcommittee. We want to welcome you. Do you have an opening statement as well?

Mrs. DAVIS OF VIRGINIA. Thank you, Mr. Chairman. It is a pleasure to be here, and I look forward to serving on the subcommittee.

I do have an opening statement, but for the sake of time, I would ask that it be entered into the record.

Mr. SOUDER. Thank you.

[The prepared statement of Hon. Jo Ann Davis follows:]

Jo Ann Davis, Virginia's First District

Opening Remarks

"Plan Colombia: The Road Ahead"

Committee on Government Reform

Subcommittee on Criminal Justice, Drug Policy and Human Resources

March 2, 2001

I would like to first take this opportunity to thank you, Mr. Chairman, for holding this hearing today. I look forward to serving you in our oversight duties as we work together as a committee in an effort to rid our government of fraud and abuse making it more efficient and effective.

As for the matter at hand, I am grateful to have the opportunity to be here today to learn of the progress America is making in our efforts in Columbia. "Plan Columbia" is an important undertaking and we must continue to monitor its effectiveness and accomplishments, as well as its potential failures. The American public demands that the spending of their tax dollars be held to strictest scrutiny and I hope to learn today that we are accomplishing our many goals.

Having said that, I strongly believe that America has a strong leadership role to play in protecting and promoting democracy in our hemisphere. We have lived under the principles of the Monroe Doctrine for over 150 years, and we should as a nation continue to pursue measures that preserve and protect our deeply held democratic principles at home.

The current drug culture works to undermine our vast achievements and our very way of life. We have taken bold steps with "Plan Columbia," without strong support from our European allies, and we are under international scrutiny. For these reasons, Mr, Chairman, I am grateful that you are holding this hearing. I look forward to hearing from our guests and more about were we stand.

Mr. SOUDER. Before proceeding, I would like to take care of the procedural matter first.

I ask unanimous consent that all Members have 5 legislative days to submit written statements, including the opening statements, questions for the hearing record; that any answers to the written questions provided by the witnesses also be included in the record.

Without objection, it is so ordered.

Second, I ask unanimous consent that all exhibits, documents, and other materials referred to by Members and the witnesses may be included in the hearing record; that all Members be permitted to revise and extend their remarks.

Without objection, it is so ordered.

As an oversight committee, it is our standard practice to ask all of our witnesses to testify under oath.

If the witnesses will now rise and raise your right hands, I will administer the oath.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that all the witnesses have answered in the affirmative.

We will now recognize the witnesses for their opening statements, and I would like to thank you again for being here today.

You all are experienced witnesses. We have heard from each of you in this subcommittee, as well as other subcommittees on the Hill. But I will remind our audience that we ask our witnesses to limit their opening statements to 5 minutes and include any fuller statement they may wish to make in the record.

Secretary Beers, do you have an opening statement?

STATEMENTS OF RAND BEERS, ASSISTANT SECRETARY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT, DEPARTMENT OF STATE; DONNIE MARSHALL, ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION; ROBERT J. NEWBERRY, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT, DEPARTMENT OF DEFENSE; AND GENERAL PETER PACE, USMC, COMMANDER-IN-CHIEF, U.S. SOUTHERN COMMAND, DEPARTMENT OF DEFENSE

Mr. BEERS. Yes, sir. Thank you for taking my longer written statement for the record. Thank you for the opportunity for all of us to appear here today to talk about this enormously important subject of the implementation of Plan Colombia.

As an overall judgment at this particular point in time recognizing that we are still early in this process, I believe that our efforts to date have been good, but that a great deal, a great deal more needs to be done, and a great deal of constant attention and effort both by Washington and by our people in the field will be necessary to carry this through in association with the people of Colombia, the forces of Colombia, but also other peoples and forces within the larger region.

Last week, we were informed of our annual estimate with respect to Colombia, and I am disappointed to note that the overall coca cultivation in Colombia went from 120,500 hectares to 136,200 hec-

tares. This represents an 11 percent increase from the proceeding year, and any increase is bad.

I would add, however, this is the smallest increase that we have seen in several years, that the increases that did occur occurred mostly away from the areas of aerial eradication, and it does not include any information related to operations which began in Putumayo on December 18th.

We are looking forward in the year ahead for the full effect of Plan Colombia to begin to help an overall effect on drug cultivation, but we are only at the beginning of that effort at this time.

I have a longer list within my written statement, but let me just say with respect to the acquisition program that was requested and is being implemented in Plan Colombia, all of the aircraft that were to have been ordered have been ordered, except for one; and I will speak to that in a moment and all of the deliveries are, in fact, underway and have been briefed to this and other committees, including the 1N helicopters which are all in country, the Blackhawks which will arrive in July, the spray aircraft which will begin to arrive in July, the interceptors which will begin to arrive in July.

With respect to the Huey IIs, we have completed an interagency review of the configuration for those Army helicopters; and we are in the process of negotiating a contract with U.S. Helicopter, even as we speak, in order to establish an appropriate delivery schedule for those aircraft.

Having said that, I have to say that the issue of pilots and crews for all of these aircraft continue to remain an issue that we are working with the Colombians on and will continue, and that these schedules are all going to require constant attention and determination on the part of all of us to ensure that we can continue this significant buildup within Colombia in order to deal with these problems.

In the area of alternative development and judicial reform, we have begun programs there, but we need to move faster. As was alluded to earlier by some of the opening testimony, we did begin Plan Colombia operations in Putumayo. We have sprayed 25,000 hectares there between December 18 and February 5, and since then, another 10,000 hectares elsewhere in the country.

We have disrupted more than 70 labs, including 5 cocaine hydrochloride labs; and we have 2,900 hectares of cultivation under contract with communities to be eliminated in association with alternative development.

Finally, I would add, that with respect to the regional program, while $180 million was devoted to that effort in Plan Colombia, most of which went to Bolivia, this administration, the Bush administration, is intending to move forward with a much broader Andean regional initiative. It will encompass, in addition to Colombia, Bolivia, Peru, Ecquador, Brazil, Venezuela, and Panama.

We do not have a final number for that request level yet, although the administration's guidance is that it will be larger than $500 million for the region overall.

We expect to be prepared to brief that fully at the beginning of April along with the rest of the administration's budget.

Let me stop there and turn to my colleagues for their statements. Thank you.

[The prepared statement of Mr. Beers follows:]

Statement of
Rand Beers
Assistant Secretary of State
for
International Narcotics and Law Enforcement Affairs

before the
Criminal Justice, Drug Policy, and Human Resources Subcommittee
of the
House Government Reform Committee
March 2, 2001

PLAN COLOMBIA: THE ROAD AHEAD

Mr. Chairman and Members of the Committee:
I want to thank you for this opportunity to speak to you today about the situation in Colombia. Let me begin by saying that while I am encouraged by the current narcotics situation in Colombia, I also recognize that much more needs to be done and done as quickly as possible.

Last week, we completed our annual coca crop estimate for Colombia. That report showed an estimated eleven percent increase in the size of Colombia's coca crop, from 122,500 hectares in 1999 to 136,200 hectares in 2000. That increase is a disappointment, as any increase would be, but it is, in fact, the smallest increase reported for Colombia in more than five years. The year before, by comparison, showed an increase of twenty percent. This estimate may indicate that the explosion of coca that has ravaged Colombia in recent years is finally peaking. Furthermore, the report indicates that the increase generally occurred away from areas of the Colombian government's focused eradication efforts. In addition, the Plan Colombia-related expansion of the aerial eradication program is specifically intended to provide the Colombian National Police (CNP) with the capacity to apply eradication pressure in more places simultaneously, to counter the "balloon effect," and to cap and begin the reduction of coca in that country in the year ahead. The data for the crop estimate did not factor in the major eradication effort in southern Colombia that began in mid-December. While those efforts would have had little visible impact by the end of calendar year 2000 in any event, they represent the real beginning of Plan Colombia and I look forward to seeing their impact on the next crop estimate.

The USG strongly supports Plan Colombia and last June, Congress, with the leadership of many in this room, approved a $1.3 billion emergency supplemental to assist the government and people of Colombia to implement these programs. While most of this funding is for projects in Colombia, there are funds targeted for regional programs as well.

About $750 million of our assistance to Colombia is for items such as the training and equipping of two Colombian Army (COLAR) counternarcotics battalions (the Second Battalion finished its training in December and the Third Battalion, which will complete the Brigade, is due to finish training in May), helicopters, communications equipment, infrastructure, weapons, and other

equipment. The most high profile of the items being provided are fourteen UH-60 BlackHawk helicopters for the Army's Counternarcotics Brigade and two UH-60 BlackHawk helicopters for the CNP. A contract for all sixteen helicopters was signed on December 15, 2000. Deliveries of three aircraft per month are scheduled to begin in July with the delivery of the two CNP helicopters and the first of those for the COLAR. The thirty-three UN-1N helicopters provided by the supplemental as interim lift for the Brigade have all been delivered and are being put into service. Work has been initiated to supply the CNP with nine additional Huey II helicopters and all necessary conversion kits have been purchased. The first four aircraft are expected to be completed by late summer 2001. U. S. Southern Command and the government of Colombia recently completed consultations to determine the optimum configuration for the 25 Huey IIs the COLAR is to receive. A contract delivery order is expected shortly for the modification of that group of helicopters. In anticipation of that work, we have already obtained nineteen of the required conversion kits. While all these helicopters are moving to meet delivery dates determined in large measure by the availability of Colombian pilots, crews and facilities, we continue to work to accelerate all the various moving parts. In particular, we are working to see if pilots and crews can be made available earlier than the currently planned January 2002 timeframe.

A contract for five additional spray planes was signed February 8 and includes an option for four more. Delivery of those aircraft to the CNP is expected to begin this summer. We are also currently refurbishing and modifying three OV-10D airplanes to further supplement the spray fleet. Those planes are also expected to be ready beginning in the summer of 2001. Similarly, the first of the Colombian Air Force's upgraded intercept aircraft, to be used to interdict airborne trafficking shipments, is also expected this summer.

Of equal importance, approximately $230 million of this package is allocated for social and economic development programs. This includes programs to provide humanitarian relief for displaced persons, help small farmers and low-level coca workers find legitimate alternatives to the drug trade, and to strengthen governance, the rule of law, and human rights.

Although it already cooperates with the USG on counternarcotics projects throughout the country, the Colombian government has decided to focus on the situation in Putumayo, as was indicated in Plan Colombia when it was introduced. The specific objectives for the first two years call for programs to strengthen the Colombian government's presence in southern Colombia while reducing the production, processing, and trafficking of illegal drugs in the area. One initial objective will be to establish the security conditions necessary to permit the implementation of other, civilian-run, programs. During these first two years, the interagency action plan focuses its counternarcotics energies on southern Colombia in an attempt to reverse the current surging expansion of coca cultivation and, through the implementation of sustainable alternative development and institution building, to make dramatic inroads towards a coca-free Putumayo.

Efforts in southern Colombia have gotten off to a good start. On December 2, 2000, the first "community pact" for alternative development was signed near Puerto Asis. This program offers local farmers an opportunity to abandon the cultivation of coca in exchange for developmental assistance and a local suspension of aerial eradication. A second such pact was signed on

January 15. Combined, the two agreements involve more than 1,400 families and some 2,900 hectares of coca. Funds for these projects are in place and development officials and local representatives are currently developing assistance packages tailored to the specific needs of these communities. That said, more needs to be done. Demand in towns and municipalities throughout Putumayo is greater than the Colombian government's current ability to respond.

In parallel with the alternative development voluntary eradication campaign, the efforts in Putumayo utilize aerial eradication to tackle the large, agro-industrial-size growing operations that dominate much of the area. Plan Colombia-related aerial spray operations commenced on December 19, 2000 in the southern department of Caqueta and moved into neighboring Putumayo on December 22. As of February 5, data from on-board monitoring systems indicate that over 25,000 hectares, or 62,000 acres had been sprayed with herbicide in the two departments, primarily in Putumayo. Further analysis, including field tests, is still several weeks away, but when available will indicate how much of the sprayed coca was actually eradicated.

Together with alternative development and aerial eradication, the final element of counternarcotics operations in southern Colombia is interdiction, principally through ground raids of processing labs. As of February 22, Colombian forces, including the U.S.-trained and supported counternarcotics brigade, have destroyed 56 labs. While the majority of these have been base labs, five of the labs were used for processing finished cocaine hydrochloride (HCl). The most recent raid of an HCl lab resulted in the seizure of more than 1000 kg of cocaine base.

Overall, operations in southern Colombia have gone much better than expected with only minimal local opposition, few logistical problems, and no major increase in displaced persons. Those who do cross into Ecuador cite violence from insurgents and self-defense groups as the cause, not the counternarcotics efforts. Nonetheless, we must continue to prepare for worse contingencies.

The flight of any displaced Colombians into Ecuador or any of Colombia□s other neighbors, raises questions about the risk for spillover effects in all the countries in the region. Spillover, whether it is in the form of displaced people, violence, or drugs, threatens the goals for which all our nations are working. Those goals, which include the strengthening of institutions, the development of sustainable economies, liberalized trade, and an end to corruption, are meant to form the foundation for prosperity in this hemisphere and will benefit the United States as well as the people of the Andean region.

Finally, the government of Colombia has also begun a significant effort to strengthen its institutions to deal more effectively with the violence, drug trafficking, and general crime and corruption that exists in the country. In that regard, the United States is assisting with programs to help the police, prosecutors, and judiciary as well as civil society. Programs focus on human rights, prisons, ports, reform of criminal code procedures, police investigative techniques, and other activities.

All of this, of course, demands a great deal from United States government personnel serving in Colombia. It is already clear that implementation of Plan Colombia□s counternarcotics elements will require continued close coordination between the U.S. and Colombian agencies involved.

The synchronization of equipment deliveries and the operations that the equipment is intended to support is a particularly demanding task. To date, we have limited the growth of our administrative team working on these issues in Colombia due to our desire to control costs, manage space and avoid future conflicts with the personnel limits established with last summer□s emergency supplemental. We do recognize, however, that strong administrative support is essential and we are exploring how to improve that support within personnel limitations. These issues are being considered in the budget request that the President is sending forward, as is the need to sustain the increased tempo of operations in Colombia.

I am proud that the United States is supporting the government of Colombia in its commitment to making an all out effort to resolve that country□s problems. With our assistance package, the United States has pledged much needed support. While operations begin and teams in both countries adjust to operational modalities, the process is now solidly underway. I am confident of the success of these projects and of Plan Colombia, and I look forward to working closely with the Congress as we continue to address these critical issues.

Mr. SOUDER. In working this schedule for this morning, Mr. Gilman switched his schedule around to be here; and he asked me, because he has to leave, if he could ask Mr. Beers a few questions which I am sure Mr. Beers is looking forward to.

These are the questions that we would like to have answered on the Colombian National Police items.

Mr. BEERS. One of my greatest pleasures is answering Congressman Gilman's questions.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Beers and I have had some other dialog in the past.

Mr. Beers, 9 of the 10 Colombian Air Force C–130 transport planes are not flying, and only one of the three CNP DC–3s needed to move vital fuel and herbicide are flying, even before the next round of helicopters will arrive that will require more fuel.

They tell us this supply line problem is the Achilles heel of Plan Colombia. And in your testimony, I regret to see that there is no mention of providing transport planes.

Can you tell us, are there any plans to do that?

Mr. BEERS. Sir, we have two C–27 aircraft in Colombia, which belong to the air division of INL, which are flying in support of the Colombian National Police principally within Colombia.

In addition to that, I can assure you that we will work to get those DC–3s up and running within Colombia. It has been a constant source of irritation to you and to me as well. The situation there is unacceptable, and we will work to deal with that.

With respect to the C–130's——

Mr. GILMAN. Let me just interrupt in a moment. Will that be at an early date, Mr. Beers?

Mr. BEERS. Yes, sir.

Mr. GILMAN. How soon.

Mr. BEERS. Except for one of them, which is a deadline for major maintenance and corrosion control, which, unfortunately, is going to take some time, but we will get the other one back on-line.

With respect to the C–130's that are Colombian Air Force, I will work with the Defense Department and U.S. Southern Command to see what we can do about those. Those have not been part of our regular program to date.

Mr. GILMAN. Of those 10 planes, 9 are not flyable right now. And with regard to the Blackhawks, to find that they are cannibalizing new Blackhawks in order to provide spare parts is incredible. They showed us the racks where spare parts are supposed to be there. They were cleaned out completely.

What are your plans for providing the kind of spare parts that are needed?

Mr. BEERS. We will be signing a $29 million contract today with the Colombian National Police which will go toward filling these spares shortfalls. But I would add, sir, that your information about three of the Blackhawks only being mission capable was, unfortunately, incorrect. There were five that were mission capable on the day that you were there, only one of them was down, and it was down for 500-hour maintenance requirement.

While it was down for the maintenance requirement, it is true, that some of the parts for that plane were borrowed in order to keep the other five aircraft mission capable. But on that day, sir,

on that day, five of those aircraft could have been used in operations had the Colombian National Police chosen to do so.

Since the beginning of this year, the operational readiness rate averaged over all of the days has been 66 percent, and for last year, the operational readiness rate for all of those Blackhawk helicopters was 78 percent, which is not unusually low. In fact, it is not considered to be a low rate.

Mr. GILMAN. 66 percent certainly isn't a high rate.

Mr. BEERS. I was talking about last year, sir. I'm sorry, this year the 66 percent is lower than we would like it to be.

Mr. GILMAN. What is the operational capability today of the Blackhawks? How many are capable today, this very day?

Mr. BEERS. I will get that for the record, sir. I can't tell you what the flight line is.

Mr. GILMAN. Will you provide that for the committee? I ask that it be made a part of our record.

Mr. BEERS. Yes, sir.

[The information referred to follows:]

ANSWER:

For March 2, 2001 the OR rate was 50% for that particular day only

Serial Number	Status
PNC-0600	Flyable
PNC-0601	500 hour inspection phase
PNC-0602	Flyable
PNC-0603	Down for Chip Detector, Master Caution Panel, search light, airspeed indicator , ESU and Primary Servo
PNC-0604	Down for #2 Engine
PNC-0605	Flyable

Mr. GILMAN. Is there going to be any additional supply plane moneys for the CNP in the fiscal year 2002 budget?

Mr. BEERS. Sir, we haven't finally determined the full specific programmatic content of that budget, and I am not in a position to say that at this particular point, sir.

Mr. GILMAN. Are you going to make a recommendation?

Mr. BEERS. I will look at that issue, and we will make a determination.

Mr. GILMAN. Not look at it. Are you going to make a recommendation that this Achilles heel be corrected, that we are going to provide supply planes by putting it in your budget?

Mr. BEERS. I said that I would make an effort to ensure that there is adequate lift transport. If that requires buying another aircraft, we will look at that option, yes, sir.

Mr. GILMAN. I understand the C–27s that you referred to are used by the Dyncorp Corp. and not by the CNP; is that correct?

Mr. BEERS. No, sir, that is not correct. They are used by Dyncorp to fly CNP assets.

Mr. GILMAN. But they are devoted to Dyncorp and not to——

Mr. BEERS. No, sir, they are devoted to the program overall and that includes support for the CNP. They do not fly resources for the Dyncorp for the air wing only. They fly resources in support of Plan Colombia.

Mr. GILMAN. But Dyncorp is the people who are flying them; is that correct?

Mr. BEERS. That is correct; yes, sir.

Mr. GILMAN. Dyncorp is a contract agency; isn't that correct?

Mr. BEERS. It is a contract agency of the——

Mr. GILMAN. It is not the counterdrug police, the counterdrug police agency; isn't that correct?

Mr. BEERS. Sir, we have one team; and we are conducting one fight down there. And the distinction between our air wing and the CNP is an unfair distinction. We are working together with them.

We are supporting them. Not every asset that is in Colombia belongs to the Colombian National Police, and some of those assets do belong to the air wing, and they do fly in support of the Colombian National Police.

Mr. GILMAN. Are you saying we have a separate U.S. air wing down there.

Mr. BEERS. I am saying that we have for years had an American air division within NRL which has supported counternarcotics throughout the region, including in Colombia, and they have flown aircraft in Colombia.

Mr. GILMAN. Why are the counternarcotics police having trouble getting the supplies to the bases and have to do it by truck and by commercial airline when we have a separate air fleet of our own?

Mr. BEERS. Sir, we are supporting everybody. We are all working together. And, yes, there is a deficiency of aircraft, which I regret, and which we will work on. But I am saying it is not just focused within the CNP and the effort is not just from the CNP. This is an effort by the United States and the Government of Colombia working together.

Mr. GILMAN. Mr. Beers, we found this to be a real problem when we were down there. We were there right on the front line, and we hope that you are going to correct this at the earliest possible date.

I want to thank you, Mr. Chairman; thank you for allowing me to intervene at this point. I have to get back to New York very quickly. I changed my schedule in order to be here at this important hearing, and we thank you for doing it.

I want to commend our DEA and commend DEA Director Donnie Marshall for being with us throughout this CODEL that was led by Mr. Souder. You added a great deal to it.

We want to thank Customs, too, who were present with us in this CODEL.

I want to thank our military. General, our military has been doing an outstanding job in the forward-operating locations. However, I think the point raised by Mr. Mica with regard to having prematurely left Panama and then going out to try to get these forward-operating locations underway, we find it has left a lot to be desired. It will be 2 or 3 years before they will be fully operational. Some are partially operational. They, too, don't have the equipment that is needed.

The cost of this will exceed, I understand, some $130 million before they are done, if not more; $132 million to complete the construction and to provide the kind of effective forward-operating activity that we had at Panama. I hope our administration is going to reexamine the possibility of getting back to Panama despite the fact that we are moving ahead with some of these FOLs.

Thank you, Mr. Chairman.

Mr. SOUDER. Thank you. We will put any additional questions you have into the record with Mr. Beers.

We will go and proceed now in regular order with Mr. Marshall and your testimony.

Mr. MARSHALL. Thank you, Mr. Chairman, and thank you for having me. I want to thank you, Mr. Chairman, and indeed the entire committee for the support that you have given to DEA over the years and, particularly, to the courageous men and women of DEA.

I will make my comments brief. I do have a complete statement that I would like to submit for the record.

I would like to start by pointing out that the international trafficking organizations that are based in Colombia do, I think, pose a substantial serious threat and a challenge to the national security of the United States.

We have had some successes against the Medellin and Cali cartels over the years and those successes have resulted in a decentralization of the cocaine trade, and what we are seeing in the world today is a second generation of cocaine traffickers or, actually, a new type of cocaine trafficking organization.

These organizations operate both through Mexico and through the Caribbean, and they control the production and distribution of cocaine and the flow of cocaine, but they no longer totally control the distribution of drugs inside the United States as Colombian traffickers once did.

The vast majority of the cocaine base and hydrochloride destined for the United States is produced in laboratories in southern Colombia, and over the last 5 years, unfortunately, Colombia has be-

come the major source of heroin in the United States. Now, as the Colombian Government expands and sustains their coke eradication operations, I would predict, I believe that any initial spillover effect may be limited to Colombia, moving back into the traditional growing areas of central Colombia and perhaps new cultivation in northern Colombia. Eventually though, if we sustain this, we could see coca cultivation and processing driven into Ecuador and Venezuela, perhaps Brazil, and perhaps back into Peru and Bolivia.

Now, DEA is trying to guard against that by developing and promoting a regional strategy of intelligence gathering and criminal investigations. We have been instrumental in encouraging multilateral operations, operations across common borders, and, in fact, we have an international drug enforcement conference this year, April 3 to 5, in the Dominican Republic, and the theme of the conference is multiregional investigations and operations.

The next thing that I am concerned about in Colombia is the connection between the FARC in Colombia and the drug trade. For quite a few years now, there has been an association between these leftist organizations and as well as right-wing paramilitary groups and the drug trade. They charge a surtax for protection and other services to the traffickers based in Colombia.

The presence of those insurgents in the eastern lowlands and southern rainforests, I think, really hinders the Colombia Government's ability to conduct counterdrug operations in those areas. The paramilitary groups right now don't appear to be involved, as far as DEA sees, in any significant opium or coca or marijuana cultivation, but one of those leaders of one of the paramilitary groups has, in fact, stated in public that his group receives payments similar to the taxes levied by the FARC from coca growers in southern Colombia.

Now, the Colombian National Police continue to pursue some very significant drug investigations in cooperation with DEA, and, in fact, those CNP results have been nothing short of remarkable over the last several years, and the actions of their CNP officers have been nothing short of heroic.

We continue, DEA continues, to direct assets and resources at the command and control structures of the major international and Colombian drug trafficking organizations. That is our job, and ultimately all DEA programs in Colombia and, in fact, throughout the world ultimately focus on the identification and immobilization of these criminal drug organizations.

We support that a number of ways, through our sensitive investigative units, the Andean Initiative, intelligence collection programs, and those units work simultaneously not only with the Colombians and regional law enforcement agencies, but also with DEA domestic offices in coordinated multinational transnational investigations.

The programs that are in effect and in place in Colombia and throughout the region, I think, serve to complement Plan Colombia. Although DEA didn't receive any direct appropriations under Plan Colombia, we are about to receive $5 million in order to increase the capabilities of Colombian law enforcement agencies and the

conduct of legal telephone communication intercepts. That is very badly needed because thus far that ability has been limited.

I am concerned about one more thing, and I will try to end up very briefly here. I am concerned about extradition reform in Colombia. There was an extradition reform act of December 1997 that was passed by the Colombia—it was an amendment to the Colombian Constitution. That has resulted in the successful extradition of 13 Colombian traffickers thus far. But a recent Supreme Court decision in Colombia requires that Colombian law enforcement authorities investigate subjects that we seek for extradition. If their involvement in Colombia is such that they could be indicted there, then a technicality or a double jeopardy-type clause kicks in that may interfere with their extradition to the United States.

That is so important to us because extradition is one of the absolute most valuable tools that we have utilized against the Colombian traffickers, and it is really the one element of our program that is most feared by the Colombian traffickers and, for that matter, traffickers throughout the world. So we will continue to focus on our main objective of identifying, immobilizing, indicting, prosecuting and hopefully imprisoning the command and control leaders of these organizations.

The involvement of Colombian military and indeed other elements of their government is necessary, it is laudable. At the same time, we have to continue to very aggressively support the civilian antidrug agencies such as the CNP in Colombia, as well as other law enforcement agencies throughout this region, because no one agency and no one country can win this fight alone.

Once again, I thank you for the opportunity, and I will be happy to answer any questions at the appropriate time.

Mr. SOUDER. Thank you. We will insert your full statement in the record and hopefully draw some of those out in the questions as well.

[The prepared statement of Mr. Marshall follows:]

Remarks by

Donnie R. Marshall

Administrator
Drug Enforcement Administration
United States Department of Justice

Before

Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources

Regarding

"Plan Colombia: The Road Ahead"

March 2, 2001
9:30 a.m.
2247 Rayburn House Office Building

Note: This is prepared text and may not reflect changes in actual delivery

Remarks by

Donnie R. Marshall
Administrator
Before
Committee on Government Reform
Subcommittee on Criminal Justice,
Drug Policy and Human Resources
March 2, 2001

Chairman Souder and other Members of the Subcommittee. I appreciate this opportunity to appear before you today concerning Plan Colombia. I would like first to thank the Subcommittee for its continued support of the Drug Enforcement Administration (DEA) and overall support of drug law enforcement.

Since inception, the Drug Enforcement Administration has participated in the development of U.S. support of Plan Colombia. DEA is a law enforcement agency, and as such, has enjoyed a long tradition of a successful and ever-evolving relationship with our Colombian law enforcement counterparts in targeting, investigating and dismantling significant drug trafficking organizations of international scope. DEA believes that the international trafficking organizations based in Colombia that smuggle their illegal drugs into our country pose a formidable challenge to the national security of the United States.

DEA TARGETS INTERNATIONAL ORGANIZED CRIME

DEA's mission is to identify, target, and dismantle the most powerful drug syndicates operating around the world who are responsible for supplying drugs to American communities. The most significant drug syndicates operating today are far more powerful and violent than any organized criminal groups that we have experienced in American law enforcement. Today's major drug syndicates are simply this new century's versions of traditional organized crime mobsters U.S. law enforcement officials have fought since the beginning of the Twentieth Century. Unlike traditional organized crime, however, these new criminals operate on a global scale with transnational networks to conduct illicit enterprises simultaneously in many different countries.

Members of international groups headquartered in Colombia today have at their disposal the most sophisticated communications technology as well as faxes, Internet, and other communications equipment. Additionally, they have in their arsenal; radar-equipped aircraft, weapons and an army of workers who oversee the drug business from its raw beginnings in South American jungles to the urban areas and core city locations within the United States. In addition, these international criminal groups utilize insurgent

groups such as the FARC to provide protection for coca fields, processing laboratories, and clandestine airfields. These insurgent groups also provide local transportation services or guarantee safe passage of drug shipments through areas under their control. All of this modern technology and these vast resources enable the leaders of international criminal groups to build organizations which, together with their surrogates operating within the United States, reach into the heartland of America. The leaders of these crime groups in Colombia work through their organizations to carry out the work of transporting drugs into the United States, and franchise others to distribute drugs, thereby allowing them to remain beyond the reach of American justice. Those involved in drug trafficking often generate such tremendous profits that they are able to corrupt law enforcement, military and political officials in order to create and retain a safe haven for themselves.

The international drug syndicates headquartered in Colombia, and operating through Mexico and the Caribbean, control both the sources and the flow of drugs into the United States. The vast majority of the cocaine entering the United States continues to come from the source countries of Colombia, Bolivia, and Peru. Approximately 95 percent of the heroin produced in Colombia is shipped to drug markets in the northeastern United States. Recent statistical data indicates that as much as 60 percent of the heroin seized in our nation's Ports of Entry and analyzed by Federal authorities in the United States is of Colombian origin. For the past two decades - up to recent years – criminal syndicates from Colombia ruled the drug trade with an iron fist, increasing their profit margin by controlling the entire continuum of the cocaine market. Their control ranged from the wholesale cocaine base production in Peru, Bolivia, and Colombia, to the cocaine hydrochloride (HCL) production and processing centers in Colombia, to the wholesale distribution of cocaine on the streets of the United States.

Colombian traffickers continue to import cocaine base from the jungles of Peru, but in ever decreasing amounts. Coca leaf production has increased dramatically within Colombia itself. However, the traffickers move the cocaine to the large cocaine hydrochloride conversion laboratories in Colombia. The vast majority of the cocaine base and cocaine HCL destined for the United States is produced in these laboratories. Many of these activities take place in the southern rain forests and eastern lowlands of Colombia. Most of the coca cultivation in Colombia occurs in the Departments of Guaviare, Caqueta, and Putumayo, areas where there is limited, if any, government control or presence. Cocaine conversion laboratories range from smaller "family" operations to much larger facilities, employing dozens of workers. Once the cocaine HCL is manufactured, it is either shipped via maritime vessel, aircraft or by land to traffickers in Mexico and thereafter moved across the Southwest Border. Alternatively, the cocaine may be shipped through the Caribbean corridor, including the Bahamas Island chain, to U.S. entry points in Puerto Rico, Miami, and New York. The FARC controls certain areas of Colombia and the FARC in those regions generate revenue by "taxing" local drug related activities. At present, there is no corroborated information that the FARC is involved directly in the shipment of drugs from Colombia to international markets, although we are always watchful for such developments.

CURRENT COLOMBIAN DRUG TRAFFICKING GROUPS

The Drug Enforcement Administration's primary mission is to identify, investigate, disrupt and dismantle major drug trafficking organizations. Successes against the Medellin and Cali drug lords have accelerated the decentralization of the international cocaine trade. We are now seeing "second generation" traffickers emerge on the scene as major players in the Colombian cocaine trade. They tend to be less willing to directly challenge government authority and are much more sophisticated in their methods of operation. They employ extensive utilization of wireless communication devices, which they change with great frequency. Other emerging characteristics are the use of computerized communications, elaborate concealment of clandestine cargo, and avoidance of becoming directly involved in retail distribution or even direct distribution to the U.S. market. The successful identification, investigation, and prosecution of these violators have become an even greater challenge to law enforcement both in the United States and Colombia.

COCA CULTIVATION AND COCAINE PRODUCTION IN COLOMBIA

In recent years, DEA has observed dramatic changes in coca cultivation and cocaine production. These changing dynamics highlight the fact that Colombian cocaine trafficking organizations continue to dominate the international cocaine trade. Colombia has always been--and remains--the world's number one producer of finished cocaine HCl. As recently as 1995, however, Colombia only produced about one-quarter of the world's cocaine base. Colombian traffickers were dependent on Peruvian and Bolivian sources for two-thirds of their cocaine base. Each year, hundreds of tons of cocaine base were imported by aircraft from Peru and Bolivia.

Since 1995, however, net coca cultivation in Colombia has more than doubled from 50,000 hectares in 1995 to 136,200 hectares in 2000. Scientific fieldwork carried out in Colombia from early 1999 through mid-2000—as part of DEA's Operation Breakthrough Program—has had a dramatic impact on our understanding of the Colombian cocaine threat. Using an updated production formula based on Operation Breakthrough results, the United States estimated that Colombia's potential cocaine production in 2000 was approximately 580 metric tons. This was sharply higher than in previous years. Accordingly, Colombian traffickers are now far less dependent on Peruvian or Bolivian cocaine base sources of supply.

The explosion in Colombia's potential cocaine production notwithstanding, total Andean Region cocaine production has actually declined in recent years, from 930 metric tons in 1995 to 768 metric tons in 2000. This net decrease is due to unprecedented coca eradication and successful law enforcement operations targeting essential chemicals in Bolivia and Peru. In 1997, Bolivia's Government implemented the Dignity Plan, which has all but eliminated illicit cocaine cultivation in the Chapare jungle. Bolivia's potential cocaine production decreased from 240 metric tons in 1995 to 43 metric tons in 2000. Additionally, DEA field reporting and laboratory analysis indicates that the purity of

Bolivian cocaine has dropped significantly while local base prices have risen, an indication of reduced availability. Much of Bolivia's cocaine is now believed to be either consumed in Brazil or shipped through Brazil to Europe.

In Peru, cocaine production decreased from an estimated 460 metric tons in 1995, to 145 metric tons in 2000. This was in part due to Peru's air interdiction program, which shut down the cocaine "airbridge" between Bolivia, Peru and Colombia. This resulted in a drop in coca prices, taking the profitability out of coca cultivation. However, we are concerned about a new development; in 2000 replanting was detected in previously abandoned fields causing speculation that coca leaf cultivation may be on the rise.

PLAN COLOMBIA AND REGIONAL "SPILL-OVER"

DEA has been developing and promoting a regional strategy in terms of our intelligence gathering and investigation methods. Realizing that drug traffickers do not respect borders, DEA has been instrumental in encouraging countries to work investigations and conduct operations across their common borders. We will be furthering this strategy throughout the region, having designated "Multi-regional investigations and operations" as the theme of this year's International Drug Enforcement Conference (IDEC), being held April 3-5, in the Dominican Republic.

DEA, along with other U.S. agencies, is working with all the countries in the region to monitor, detect and react to possible Plan Colombia spillover. For example, Bolivia has created a comprehensive plan integrating intelligence collection, border control initiative, investigations, and administrative judicial reforms. Brazil has developed a Brazil – Colombia border intelligence collection project. Ecuador has initiated plans to better monitor the movement of drugs, chemicals, and people from southern Colombia into northern Ecuador.

Now that the Colombian Government has significantly expanded and sustained aerial coca eradication operations into southern Colombia, DEA anticipates that initial "spillover effect" in coca cultivation will be limited to Colombia. As expected, coca cultivation back in the traditional growing areas of central Colombia (the Guaviare) as well as expanded new cultivation in northern Colombia (Norte de Santander), has already been detected.

Likewise, when the Colombian Government is able to expand and sustain coca eradication operations in central and northern Colombia—while sustaining pressure on southern Colombia—(a challenge which may require some time to achieve) some of Colombia's coca cultivation and cocaine processing might be driven into Ecuador and Venezuela. This has not yet been detected. Traffickers would also be expected to encourage expanded coca cultivation and cocaine production in Peru and Bolivia—two countries that collectively produced about two-thirds of the world's cocaine base as recently as 1995, as mentioned earlier. In order to effectively address the changing dynamics of the drug trade resulting from Colombia's success, a balanced approach

would include, in addition to eradication, focusing on these other elements of organized drug trafficking – transportation, chemicals, and distribution networks, and command and control of trafficking organizations.

INSURGENT INVOLVEMENT IN THE DRUG TRADE

DEA is concerned about the connection between the FARC and other groups in Colombia and the drug trade. The Colombian government is now engaged in responding to this challenge. DEA will continue to closely monitor the situation.

A required alliance between guerillas and drug traffickers is nothing new. Since the 1970s, drug traffickers based in Colombia have been forced to develop temporary alliances with leftist guerillas, or with right wing paramilitary groups, which charge a surtax for protection and other parasitic services. In some cases, this has been done to secure protection for drug trafficking interests. At other times, the drug traffickers have financed their own private armies to provide security services. Some insurgent and paramilitary groups have, in fact, become little more than bands of well-armed thugs extorting a fee for their services to drug traffickers.

The presence of the insurgents in Colombia's eastern lowlands and southern rainforest--the country's primary coca cultivation and cocaine processing regions--hinders the Colombian Government's ability to conduct counter-drug operations. The frequent ground fire sustained by Colombian National Police eradication aircraft operating in insurgent occupied areas shows the extent to which some insurgent units will go to protect the economic interests of their "local constituents" (i.e., coca farmers and drug traffickers). Likewise, insurgent attacks continue to pose a threat to CNP personnel, supported by the DEA, while conducting operations against clandestine laboratories. In some cases, the insurgents protect cocaine laboratories in southern Colombia, in return for cash payments or possibly in exchange for weapons.

The most recent DEA reporting indicates that some FARC units in southern Colombia are indeed involved in drug trafficking activities, such as controlling local cocaine base markets. Some insurgent units have assisted drug trafficking groups in transporting and storing cocaine and marijuana within Colombia. In particular, some insurgent units protect clandestine airstrips in southern Colombia. However, despite the fact that uncorroborated information from other law enforcement agencies does indicate a nexus between certain traffickers and the FARC, there is no evidence that any FARC or ELN units have established international transportation, wholesale distribution, or drug money laundering networks in the United States or Europe.

Northern and central Colombia continue to be the primary base of operations for paramilitary groups. Recent reporting, however, indicates that paramilitary groups have become more active in southern Colombia. Most of these paramilitary groups do not appear to be directly involved in any significant coca, opium poppy, or marijuana cultivation. Paramilitary leader Carlos Castano has recently admitted in open press,

however, that his group receives payments - similar to the taxes levied by the FARC - from coca growers in southern Colombia in exchange for protection from guerrillas.

Several paramilitary groups also raise funds through extortion, or by protecting laboratory operations in northern and central Colombia. The Carlos Castano organization, and (possibly other paramilitary groups) appears to be directly involved in processing cocaine. At least one of these paramilitary groups appears to be involved in exporting cocaine from Colombia.

DEA reporting indicates that some Colombian traffickers are transporting cocaine base out of Colombia's Putumayo Department through northern Ecuador and into Colombia's Narino Department in an effort to avoid insurgent interference and taxation. Some Colombian traffickers reportedly also use the reverse route—from Narino to Putumayo via northern Ecuador—to smuggle into Colombia the essential chemicals used to produce cocaine.

DEA PARTICIPATION IN PLAN COLOMBIA

As you are aware, neither DEA nor any other law enforcement agency has received any direct appropriations under the U.S. emergency supplemental appropriation for Plan Colombia. The funding provided is intended to support programs as opposed to specific agencies. Along these lines, DEA has been an active and major participant in the planning and implementation of projects included in the funding of $88 million allocated to the Justice Sector Reform projects of Plan Colombia. DEA's efforts are coordinated through the Department of Justice Criminal Division, which acts in partnership with the Department of the Treasury's Office of Enforcement. DEA, in collaboration with our Justice and Treasury Department enforcement counterparts, has participated in the development of a comprehensive and integrated Justice Sector Reform Program. DEA will serve as the lead agency in project implementation, or as a substantial partner in combined efforts with our U.S. and Colombian counterparts. Projects such as the multilateral case initiative, the enhanced and expanded Colombian specialized vetted unit program, the cellular telephone interception facility, enhanced and expanded forensic programs, and a variety of prosecutor and police training programs, while focused on supporting our Colombian counterparts, will also directly and substantially support and enhance DEA's efforts in Colombia and throughout the region. These projects reinforce DEA's focus on attacking the major criminal organizations that cause the greatest harm to Colombia and the U.S., and also focus on the importance of a regional effort.

In particular, DEA will serve as the lead implementing agency in the establishment of a cellular telephone interception facility in Colombia. The facility will enhance the capabilities of Colombian law enforcement authorities to conduct telephone intercept investigations properly authorized under Colombian law.

For a number of years, the DEA in Colombia has provided technical material support and personnel resources to various Colombian law enforcement units of the

Colombian National Police (CNP), the Departamento Administrativo de Seguridad (DAS), and the Cuerpo Technico de Investigaciones (CTI) in furtherance of hard line telephone intercept initiatives. These units operate in most of the major metropolitan cities in Colombia. In recent years, this program has expanded to enhance the investigative capabilities of Colombia's law enforcement agencies. Computer equipment, computer software, and funding will allow these units to more effectively conduct investigations against major drug trafficking organizations.

Intelligence and evidence obtained by these units from wire intercepts have been used to support the prosecution of drug traffickers, advance active investigations, and provide leads on bilateral Colombian/United States investigations. While there have been major investigative successes, there have been severe technical limitations on overall enforcement effectiveness.

The ability to effectively intercept communications has been seriously limited due to a variety of factors such as the lack of modern equipment and the inability to establish monitoring sites in certain areas of the country. The equipment to be obtained through funding provided by Plan Colombia will make significant strides to close this technology gap between drug traffickers and law enforcement authorities in Colombia.

EXTRADITION

We are extremely pleased with the commitment shown by the Government of Colombia to reinstitute one of the most effective judicial tools against Colombian drug traffickers, that of extradition. The Extradition Reform Act of the Colombian Constitution, which allows for the extradition of Colombian nationals for crimes committed after the date of enactment, entered into force on December 17, 1997. Since that time, we have successfully extradited 13 Colombian nationals to face justice in the United States. Among the extradited include significant violators such as Jorge ASPRILLA-Perea and Alberto ORLANDEZ-Gamboa, as well as five defendants from the highly successful Operation Millennium, which culminated in October, 1999.

Two recent Colombian Constitutional Court decisions, however, require that Colombian law enforcement authorities determine whether a criminal case in Colombia should be opened against the subject for whom extradition is sought. These decisions raise two potential problems. First, if a case is opened by Colombian authorities, the extradition could be delayed until the investigation, prosecution, and sentencing of the subject is complete. Second, if a subject is convicted of the same crime in Colombia as is being charged in the United States, the prospect of "double jeopardy" might impede extradition. Although the actual impact of these decisions on pending or future extradition requests remains to be seen, any impediment to our renewed and exemplary extradition relationship will be a major setback.

OVERVIEW OF PRIORITIES AND PROGRAMS

Due to the precarious and ever-changing dynamics of the cocaine trade in South America, the DEA Bogota Country Office (BCO), in conjunction with the American Embassy in Colombia, developed strategies to identify, investigate and dismantle major drug trafficking organizations. The DEA South American Regional Plan (SARP) and the United States Mission Performance Plan (MPP) are the primary strategies developed by the BCO and U.S. Embassy in Colombia to guide the U.S. counter-drug efforts in Colombia. In essence, the SARP and the MPP prioritize targeting the significant drug trafficking organizations operating throughout Colombia.

In implementing these plans, the BCO operates on the premise that the organizations controlling the manufacture and transportation of cocaine HCL are the most vulnerable elements of the drug trafficking organizations. As such, the BCO directs available resources at these factions in an effort to identify and ultimately immobilize them.

Using this strategy, the BCO will enhance resources in the area known as the Colombian Source Zone. This is an area southeast of the Andes mountains characterized by few roads, no rail transportation, very little commercial air traffic, many clandestine airstrips and an extensive river system linking this area to Peru, Brazil and Venezuela. The BCO and United States Country Team believe that by augmenting resources in the Colombian Source Zone, the amount of cocaine HCL available for transportation to the United States will be significantly reduced.

The BCO will continue to direct assets and resources at the command and control structures of major drug trafficking organizations operating throughout Colombia. These organizations operate primarily northwest of the Andes Mountains and throughout major Colombian cities. These organizations also control transportation of cocaine HCL from the Colombian Transit Zone (that area adjacent to both Colombian coasts) to the United States, as well as other countries, for eventual distribution.

As alluded to earlier, the BCO has noted a significant increase in seizures of Colombian heroin, both in Colombia and the United States. The BCO will strengthen its resources dedicated to targeting the organizations controlling the manufacture and transportation of heroin from Colombia to the United States.

All BCO programs will focus on the identification and immobilization of major drug trafficking organizations operating throughout Colombia. To further augment these objectives, programs such as the Andean Initiative, Sensitive Investigations Unit and Intelligence Collection will be the primary support for the BCO's enforcement efforts.

Furthermore, the Sensitive Investigation Units, Heroin Task Force, Operation Selva Verde and other law enforcement entities such as DAS and CTI, are tasked to initiate significant investigations targeting the command and control structure of the major drug trafficking organizations. These units target organizations operating in the

Colombian Source Zone and other areas of Colombia. The units work simultaneously with DEA domestic offices in coordinated transnational investigations targeting all aspects of these organizations so as to maximize both the effect and the return on the investment.

The United States is also assisting with programs to help the police, Colombian Customs (DIAN), prosecutors, and judiciary as well as civil society. Programs focus on human rights, prisons, airport and seaport/maritime security, Customs interdiction, inspection techniques, land border interdiction, investigative techniques, and reform of the criminal code. DEA, Customs, and the U.S. Coast Guard are involved in rendering this assistance.

With respect to U.S. Customs, I saw first hand last week the critical role that the Customs P-3 aircraft play in the region. Plan Colombia provides $68 million for Customs to upgrade four of its oldest P-3 Airborne Early Warning (DOME) aircraft with the latest generation radar, the APS 145. This radar modernization will ensure Customs continued robust support to source country interdiction efforts, and Plan Colombia specifically.

RECENT BILATERAL INVESTIGATIVE SUCCESSES

Operation Whitehorse

The Operation White Horse investigation targeted a large scale heroin trafficking organization, directed by Wilson SALAZAR-Maldonado, responsible for sending multi-kilogram quantities of heroin from Colombia to the Northeastern United States via Aruba. The investigation was conducted jointly by the CNP, DEA Bogota, Curacao, Philadelphia and New York, and the Special Operations Division. This investigation resulted in 96 arrests, the seizures of multi-kilograms of heroin and cocaine, weapons and U.S. currency. The investigation began in September, 2000, and culminated on January 18, 2001.

Operation Broker II

An investigation conducted by the Departamento Administrativo de Investigaciones (DAS) SIU in conjunction with DEA targeted a Colombian money laundering organization connected to the Colon Free Zone, Panama. This organization has been involved in the black market peso exchange through the importation of precious metals and jewels into Colombia in exchange for drug related proceeds.

On February 1, 2001, acting on DEA information, the DAS arrested four pilots and seized two airplanes in the city of Medellin, Colombia, upon their arrival from Panama. A search of the aircraft revealed approximately $600,000 worth of gold and silver concealed within the planes.

On February 19, 2001, the DAS conducted a roundup of defendants implicated in money laundering violations as a result of this investigation. A total of 21 persons were arrested with seizures of two additional airplanes, approximately $100,000 in currency, $110,000 worth of jewelry and 12 weapons.

Operation Seis Fronteras

Between November 13 and November 28, 2000, six South and Central American countries joined forces to conduct an international enforcement operation aimed at disrupting the flow of precursor chemicals. The participating countries included Colombia, Peru, Venezuela, Panama, Brazil, and Ecuador. Participating agencies conducted searches and inspections of chemical supply companies, land and maritime transportation companies, warehouses, and clandestine laboratory sites.

Operation New Generation

In November 2000, the CNP, with assistance from DEA, dismantled the Carlos Mario Castro Arias cocaine trafficking and money laundering organization. The operation, dubbed "Operation New Generation," resulted in the execution of over 100 arrest/search warrants and the arrest of at least 45 suspects in Colombia (and eight in the U.S.) Prior to the takedown, the Medellin-based organization was responsible for the transportation of multi-ton quantities of cocaine from Colombia to Mexico and the United States. In October, 2000, the CNP seized 450 kilograms of cocaine from the Castro Arias organization that was secreted in heavy machinery in a warehouse in Cali.

CONCLUSION: HOPE FOR THE FUTURE

We can and should continue to identify and build cases against the leaders of the new criminal groups from Colombia. These criminals have already moved to make our task more difficult by withdrawing from positions of vulnerability and maintaining a much lower profile than their predecessors did. A number of initiatives hold particular promise for success:

The special program of vetted units, funded by the U.S. Congress under the Vetted Unit Initiative, continues to make it possible to convert existing partially vetted units of the CNP into fully vetted teams. These teams of investigators will work closely with DEA and will conduct high-level drug investigations in Colombia and the region without fear of compromise. This program is, by far, our most important investigative tool.

We intend to carry out even more of the cutting-edge, sophisticated investigations like White Horse and Millennium, as part of a joint DOJ Criminal Division/DEA bilateral case initiative with our Colombian counterparts. Such operations benefit from the closest possible cooperation between the DEA and CNP. These investigations will continue to lead to the dismantling of major portions of the most significant drug trafficking

organizations operating in Colombia today. Operation Millennium successfully targeted major traffickers who had previously operated without fear of capture or prosecution in the United States, believing that only their low-level operatives were at risk. These operations effectively demonstrated that even the highest level traffickers based in foreign countries could not manage drug operations inside the United States with impunity. Operation Millennium was made possible by direct support from the governments of Colombia and Mexico. These operations underscore the importance of cooperation among international drug law enforcement agencies.

DEA will continue to work closely with specially trained and vetted Colombian task force units to develop joint cases, such as Operation Millennium. The Justice Initiative portion of Plan Colombia provides for specific support for these types of initiatives, including training and support for a counter-narcotics task force and an anti-money laundering and asset forfeiture task force. We look forward to supporting these training programs and then working with our Colombian counterparts in the day-to-day investigative work.

The government of Colombia faces dramatic challenges to the rule of law, many of which are directly related to drug trafficking. Plan Colombia addresses many of these challenges. The support to multilateral investigations, counter drug units and money laundering sections of the Justice Initiative portion of Plan Colombia can help DEA, Colombian National Police, DAS and Colombian Prosecutors efforts to fight drug trafficking in Colombia. Other sections of the Justice Initiative of Plan Colombia can provide indirect support to DEA, Colombian National Police, DAS and Colombian Prosecutor General's efforts to investigate major Colombian Drug Trafficking Organizations. These initiatives include support to money laundering and asset forfeiture, training for police prosecutors and judges, security for victim and witnesses, prison assistance and procedural and legislative reforms to the Colombian legal system.

The DEA remains committed to our primary goal of targeting and arresting the most significant drug traffickers in the world today. In particular, we will continue to work in close partnership with our counterparts in Colombia. This is a partnership in which we have invested substantial time and resources for the past twenty years, and which has yielded great success. These successes include the previously mentioned investigations, and the demise of the Cali and Medellin Cartels. The ultimate test of success will come when we bring to justice the drug lords who control their vast empires of crime which bring misery to so many nations. They must be arrested, tried and convicted, and sentenced in their own countries to prison terms commensurate with their crimes, or, as appropriate, extradited to the United States to face justice in U.S. courts. Plan Colombia's emphasis on bringing the Colombian Military into the fight against drugs is laudable; and necessary. At the same time we must continue to aggressively support civilian anti-drug units such as the CNP. No one agency or country can win this fight alone.

Thank you for the opportunity to testify before the Subcommittee today. I will be happy to respond to any questions you may have.

Mr. SOUDER. Mr. Newberry.

Mr. NEWBERRY. Thank you for the opportunity to testify before the committee on the status of our implementation in Plan Colombia. I will just give a short, brief oral statement.

Thanks to the supplemental resources the Congress provided us last year, both the Department of Defense and State Department are providing Colombians with some of the best equipment and training we have to offer. Of course, because some of this equipment is being procured new, some of the support is actually upgrading old systems, and some of the support involves base infrastructure construction, it will take probably a year or two before we complete the effort. But I think the initial equipment and training that the Department of State and DOD has provided the Colombians has quickly jump-started the Colombians' tactical operations in the southern part of Colombia, and I think you have seen the results. The success is already apparent.

That said, there is a long way to go. The push in southern Colombia is only a couple months new, and they have to maintain their current OPSTEMPO. The momentum alone achieved by success in southern Colombia is not automatically going to transfer to the rest of Colombia. It is a difficult situation, and I am sure they are going to need continued support from the United States and other countries, the support to sustain the equipment and the people we are already working with and support to enhance their capabilities even further.

Last, I do want to reiterate one item regarding the activities of the U.S. military people in Colombia. We certainly have numerous policy and legal restrictions that frame our limits for counterdrug support in Colombia. Suffice to say the process is comprehensive, but every deployment order says in no uncertain terms that DOD personnel are not to accompany host nation personnel on operational missions. Our people there are to train and not to advise.

Thank you very much. I will await your questions.

Mr. SOUDER. Thank you very much.

[The prepared statement of Mr. Newberry follows:]

ROBERT J. NEWBERRY

PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR

SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT

**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY,
AND HUMAN RESOURCES**

March 2, 2001

STATEMENT FOR THE RECORD

Thank you for the opportunity to testify before this Committee to discuss the Department of Defense's support for the Government of Colombia's *Plan Colombia*. Reducing the supply of drugs on our streets is an integral component of our National Drug Control Strategy and the Department of Defense (DoD) plays a key supporting role in creating the opportunity for law enforcement agencies, both our own and those of foreign nations, to interdict the flow of drugs into our country.

DoD is executing its portion of the U.S. Government assistance package in support of President Pastrana's *Plan Colombia*. While I have confidence in this effort, I would like to reiterate that program execution has been, and will continue to be, a challenge and results will not be evident for some time. The vastness of southern Colombia and the lack of significant infrastructure pose major challenges. The sheer number of supporting contracts being

implemented to ensure the long-term viability of this effort will require the Department to continue its close management of the overall program.

Department witnesses have previously testified before Congress with respect to our concerns about coordination between the Colombian military and National Police, human rights practices, and the increasing impact that paramilitary organizations are having on the drug trade. Now, roughly six months following passage of the congressional appropriation supporting the increased U.S. assistance to *Plan Colombia*, I would like to note that we have observed progress in all these areas.

Coordination between the Colombian armed services and the Colombian National Police has improved, as evidenced by the successful eradication operations currently being conducted in the Putumayo region. Likewise, the Colombian military has made progress in holding members of the military accountable for their actions with respect to violations of human rights, most recently trying and convicting an Army General and Colonel for failing to prevent a massacre by paramilitary forces in 1997. This is a landmark decision as it is the first time that the Colombian military judiciary has convicted a flag officer for such an offense and it demonstrates the will to hold accountable those individuals who choose to act outside of the rule of law. Lastly, the Colombian military has increasingly taken more aggressive action against paramilitary forces operating in various regions around the country. More clearly needs to be done in all of these areas and the Department will continue to press the Government of Colombia for concrete results in its efforts to improve the human rights performance in the military.

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Let me briefly outline the Department's programs and where we stand with respect to execution to date.

SUPPORT FOR THE PUSH INTO SOUTHERN COLOMBIA

Counternarcotics Battalion Support

The Department completed training of the second Colombian counternarcotics battalion, using members of the US Army's 7th Special Forces Group, in December of last year and is currently training the third battalion. The first and second counternarcotic battalions have successfully supported the aerial interdiction program now being implemented in the Putumayo region. These battalions give the Colombian Army a complete counterdrug brigade in the Putumayo/Caqueta region to engage what is the world's largest coca cultivation center.

Counternarcotics Brigade Headquarters

The establishment of a counterdrug brigade headquarters is sequenced to support the strategic and tactical operation of the counterdrug Brigade located in southern Colombia. Department support for this program began in the first quarter of fiscal year 2001. Allocated funding will provide for training, communications equipment, computer needs, facility modification, and similar requirements. The counternarcotics brigade headquarters has reached initial operational capability however equipment upgrades will continue through the end of this fiscal year.

Army Aviation Infrastructure Support

The Colombian Army does not have the infrastructure necessary to support the number and mix of helicopters that will be provided by the Department of State using emergency supplemental funding. DoD will fund a variety of critical aviation infrastructure needs to support the UH-1N, UH-1H Huey II and UH-60 helicopters that are required to provide mobility for the counternarcotics battalions. This program will include funding for electrical utilities and road infrastructure, aviation fuel storage and fueling systems, security improvements, parking aprons and helicopter pads, a maintenance hanger, an operations facility, and a taxiway. DoD has conducted several site surveys and hosted conferences to facilitate planning for this challenging requirement. Support contracts are expected to be awarded in March of 2001 and continue through 2002.

Pilot and support training is required to ensure the maximum operational capability of the helicopters being provided to the Colombian military by the Department of State. DoD has agreed to support this initiative and plans to ensure that an adequate number of Colombian military personnel are sufficiently trained to support air mobile operations when the new aircraft are delivered.

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Military Reform

For some time the Department has been managing a contractor-led endeavor to provide the necessary assistance to Colombia to support the government's effort to restructure its military establishment so it can successfully engage the drug threat throughout the country. The focus of this effort is not tactical but organizational in nature, centered at the Minister of Defense level and the uniformed services of Colombia. The contractor's efforts have focused on restructuring and improving military planning, logistics support for ground and air operational assets, development of counternarcotics military doctrine, development of counternarcotics military strategy, new concepts on recruitment and conscription, development of an integrated intelligence capability, improved computerization and command and control, and similar initiatives. The program will also support efforts to promote human rights and effect judicial reforms. This effort has been completed, with the Colombian military being provided with detailed recommendations on each area of their military.

Organic Intelligence Capability

The intelligence collection capability in the region will be enhanced to support operations by the counternarcotic battalions. This program will provide the counternarcotics battalions with a combination of airborne and ground tactical intelligence capabilities to directly assist in the planning and execution of counterdrug

operations. It is scheduled to begin in the third quarter of fiscal year 2001 and be sustained for an extended period of time.

SUPPORT FOR INTERDICTION EFFORTS

Tracker Aircraft Modification

DoD is currently modifying the first of two Colombia Air Force C-26 Merlin aircraft by installing APG-66 air-to-air radars, Forward Looking Infrared Radars (FLIRs), and communications equipment. The completed aircraft will give Colombia an organic capability to terminally track and intercept illegal smuggling aircraft that move the cocaine from the HCl labs in southeastern Colombia to the western Colombian highway system that feeds the coasts for transshipment to the United States. These modified aircraft will replicate the terminal radar interceptor that supported the Peruvians in their successful air denial operation against the Peru-to-Colombia air bridge. The modifications to both aircraft should be completed by the end of calendar year 2001.

AC-47 Aircraft Modifications

The Department is currently funding the installation of a FLIR in one of the four operational Colombian AC-47 aircraft. The FLIR will greatly enhance the aircraft's ability to support night operations against drug smuggling activities. This aircraft will be delivered to the Colombian Air Force in March of 2001.

Funding will also support modification of an additional Colombian DC-3, converting it into an AC-47 aircraft with FLIR, night vision cockpit, and fire control systems. This will be the fifth operational AC-47 in the Colombian inventory. These planes have been used very effectively by the Colombian military in support of operations against drug trafficking aircraft on the ground. The long range of the AC-47 is a clear operational advantage given the limited number of tactical airfields and the large region being covered. This aircraft upgrade is scheduled to be completed in the third quarter of fiscal year 2001.

Ground Based Radar

Installation of a ground-based radar at Tres Equinas, Colombia is in progress. This radar, which will provide positive air control for the counternarcotics brigade helicopters and fixed-wing aircraft that operate in the region, was awarded in the first quarter of fiscal year 2001. The Tres Esquinas radar will improve the detection and monitoring of smuggling air activity in the Putumayo region of Colombia, where over 70% of Colombia's coca cultivation occurs. The program utilizes an existing TPS-70 owned by DoD, and includes costs associated with installing the radar at Tres Esquinas. The radar site is scheduled to be operational in February of 2002.

Radar Command and Control

The DoD supported radar command and control program will provide Colombia a modern and operationally effective system, located in Bogota, which will be capable of monitoring multiple radar sites throughout Colombia. It will support positive control of Colombian Air Force air interdiction operations throughout Colombia. The current system is outmoded and needs to be replaced. The contract will be awarded in March of 2001 with completion expected in the first quarter of fiscal year 2002.

Andean Ridge Intelligence Collection

This ongoing program supports Colombia with critical intelligence against drug smuggling activities. It provides for collection sites located in critical areas throughout the drug cultivation and trafficking regions.

Colombian Ground Interdiction

The Colombian ground interdiction program is still in the development stage. Supplemental funding will be used to initiate a Colombian program to control drug smuggling on the major roads across the Andes and those roads feeding the northern coast and western coast cocaine transshipment regions. This funding will start the process of Colombia regaining control of its major roads, which currently are routinely utilized by the drug trafficking forces. Road control is important since it can help control

cocaine and precursor chemical smuggling across the Andes and to/from major ports. There are 4 or 5 major roads across the Andes and these highways feed the road network located west of the Andes. Vehicle traffic on the highways west of the Andes serves as the principal mode of moving chemicals and cocaine to/from the northern coast and western coast cocaine ports and transshipment regions.

Armed Forces Human Rights and Legal Reform / Army Judge Advocate General School

Although these are State Department programs, State has asked DoD to execute these programs. U.S. Southern Command, on behalf of DoD, is working with the Director of the Colombian Military Justice System to help the Colombian military develop and field a military justice program, including a Judge Advocate General (JAG) Corps. DoD has received a list of Colombian requirements and is in the process of validating those requirements against the developing doctrine and structure. Once the requirements are validated, the necessary equipment purchases will be made to establish a JAG school and establish the facilities necessary to conduct effective investigations, prosecutions, and court proceedings. This program will significantly enhance Colombia's ability to try military offenders.

I would like to reiterate one last item with respect to DoD personnel in Colombia. The Department has maintained the numerous restrictions, constraints, and reviews that are involved in the approval of the deployment of US military personnel on counterdrug missions in Colombia. It suffices to say, the process remains comprehensive, involving reviews by the

Embassy in Bogota and US Southern Command in Miami as well as the Joint Staff and the Office of the Secretary of Defense. I personally look not only at who is deploying and what they are doing, but at the specific locations to which they are going. Furthermore, each and every deployment order states, in no uncertain terms, that DoD personnel are not to accompany host nation personnel on operational missions. We continue to aggressively work to minimize the risk to our personnel who support our counterdrug assistance in Colombia, and elsewhere.

In summary, the DoD continues to work with our interagency partners to effectively implement U.S. Government support for *Plan Colombia*. Execution will be a challenge and it will take some time before measurable results are achieved. Setbacks can be expected and continued vigilance will be required. However, real progress has been made. The CNP, with Colombian military assistance, has commenced eradication operations in regions of southern Colombia that were previously inaccessible for counterdrug operations. As ongoing programs mature, this reach capability will be further enhanced, having a greater impact on the cultivation and production of cocaine and heroin in Colombia, thereby ultimately reducing the amount of those drugs available for consumption on our streets.

Mr. SOUDER. I want to thank General Pace again for being here and for arranging the briefing we had at on our CODEL to set out and lay out SOUTHCOM's framework of how we are working, and also having representatives at each of the four landing locations to explain how we are developing those airfields, and our conversations we had in Ecuador as well as here in Washington. I look forward to your statement.

General PACE. Mr. Chairman, thank you, and thank the members of the committee and indeed the entire Congress for your very strong bipartisan support of not only counternarcotics, but also all the military does for you.

I, too, would like to ask you to accept my written statement for the record.

As you know, sir, I have been in command of the U.S. Southern Command for just over 5 months, and, during that time, I visited 19 countries, to include each of the Andean Ridge countries, several of those multiple times. In fact, this past weekend I just completed my seventh visit to Colombia.

In each country that I visited, I have met with the key leaders, and in each there has been a long discussion about counternarcotics and the effects that the illicit drug trade has had on their societies, and essentially in Colombia the attack that this illicit industry represents on the foundations of that democracy.

I am proud and I appreciate very much your comments and those of Mr. Gilman about the U.S. military efforts in support of our friends in Colombia right now. The Counternarcotics Battalion and Brigade training is ongoing, as you know. The Brigade headquarters and two of the three battalions have been trained, and there are efforts ongoing in the field as we speak. The third battalion is being trained, and that will be completed this May.

The integration of these DOD-trained battalions with the Department of State-provided helicopters and crews has done exceptionally well, and we have seen very good coordination and cooperation between the police and the military, especially in the Putumayo. There is certainly more that can be done there, but the initial efforts in cooperation with each other has been very, very good.

Again, sir, I appreciate this opportunity to appear before you, and I look forward to answering your questions.

Mr. SOUDER. Thank you very much.

[The prepared statement of General Pace follows:]

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STATEMENT OF

GENERAL PETER PACE, UNITED STATES MARINE CORPS

COMMANDER IN CHIEF, UNITED STATES SOUTHERN COMMAND

BEFORE THE HOUSE COMMITTEE OF GOVERNMENT REFORM

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES

MARCH 2, 2001

FOR OFFICIAL USE ONLY UNTIL RELEASED BY THE HOUSE GOVERNMENT REFORM COMMITTEE, SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES

INTRODUCTION

Mr. Chairman and distinguished members of the Committee, thank you for this opportunity to appear before you to discuss United States military support to President Pastrana's Plan Colombia. I appreciate very much the efforts of the Congress in providing the necessary funding for this support in Public Law 106-246. I am here today to report what your military is doing with these funds and how we are supporting partner nations in their struggle against the illicit drug industry in the Andean Ridge. United States Southern Command (USSOUTHCOM) is responsible for planning and executing the majority of Department of Defense (DoD) funding in the support package. As you know, the public law provides various other U.S. Government departments and agencies funding to support both military and non-military aspects of Plan Colombia.

During my first five months as Commander in Chief, USSOUTHCOM, I have visited nineteen countries and three territories, to include repeated visits to the Andean Ridge countries. I am favorably impressed with the civilian and military leaders I have met and encouraged by the strong cooperation between the U.S. and most nations in our Area of Responsibility (AOR). With the exception of Cuba, these nations are blessed with democratic governments, although some are struggling to mature fragile institutions that promote freedom and prosperity for their citizens. Drug trafficking is a serious threat to these democracies, particularly in the Andean Ridge.

Colombia is key to the region's stability. With a 37-year old insurgency fueled today by the illicit drug industry, Colombia is at the epicenter of drug-related violence and social disorder. I have made seven trips to Colombia during my first five months in command. I

have come to know the civilian and military leaders of this struggling nation and I support their conviction that Plan Colombia, including the peace process, must succeed.

Nations throughout the region are painfully aware of the drug problem and understand their vulnerability to domestic consumption, trafficking, related crime, and the corruption that illicit drugs and drug money spawn. All the nations are concerned. In describing the drug war that now affects all of Latin America and the Caribbean, one prominent leader recently told me, "this is a war we did not start, that we do not want, that we cannot afford, but a war that we must win."

REGIONAL DRUG THREAT

An important component of USSOUTHCOM's mission is to support security and regional stability throughout Latin America and the Caribbean. The illicit drug industry threatens the stability of several nations in the Andean Ridge and erodes the very fabric of democracy by corrupting public institutions, promoting criminal activity, undermining legitimate economies, and disrupting social order. This threat is real, immediate, and growing. The violence and corruption associated with the illicit drug industry not only threatens our neighbors to the south, it poses a national security threat to the American homeland.

The Drug Trafficking Organizations (DTOs) have shown considerable skill in adapting their manufacturing procedures, production locations, transport routes, and markets in response to eradication and interdiction efforts. In Colombia, DTOs have successfully formed symbiotic ties to the insurgent groups and illegal paramilitaries that provide protection for the traffickers in exchange for revenue. The

insurgent and paramilitary self-defense groups use the drug money to finance weapons purchases, fund on-going operations, and sustain their forces. As the successful implementation of Plan Colombia threatens the war chest of the insurgents and paramilitaries, and disrupts the drug traffickers' infrastructure through eradication and interdiction, we should anticipate a migration of the drug trade to points of least resistance.

IMPLEMENTATION OF U.S. SOUTHERN COMMAND'S SUPPORT TO PLAN COLOMBIA

USSOUTHCOM has two major responsibilities for implementing the DoD portion of the appropriated funding. First and foremost is to ensure that DoD funding is properly spent in accordance with the law. Funds allocated to DoD total approximately $301 million. Second is to ensure our effective support for the implementation of Department of State (DoS) programs which fund military related training, equipment, and sustainment. Our efforts support the U.S. National Drug Control Strategy to reduce the flow of drugs by 20 percent in the Transit Zone and 30 percent from the Source Zone by 2007. Accomplishment of these goals requires a cooperative regional effort. The Public Law provides required funding for the U.S. interagency to help organize, train, and equip Partner Nation security forces to conduct effective air, riverine, maritime, and ground operations against drug traffickers. Although most of last year's funding is specifically designated for Colombia, neighboring nations received $180 million from the U.S. assistance package to Plan Colombia.

Counternarcotics (CN) Brigade

Congress appropriated funds to equip and train the CN Brigade Headquarters and three subordinate battalions. Collectively, these units make up the Colombian Counternarcotics Brigade. The Colombian Army (COLAR) received the bulk of this equipment in December 2000 and will receive the balance in March 2001. We completed the training for the second CN Battalion, senior commanders, and staff during December 2000. Training for the third battalion is underway and will be completed during May 2001. USSOUTHCOM assists the Colombian Military (COLMIL) in collecting, analyzing, and disseminating fused intelligence for the CN Brigade. This effort is accomplished in the Joint Task Force South Intelligence Center in Tres Esquinas where USSOUTHCOM provides three U.S. subject matter experts.

The Public Law also provided funds for force protection assessments and enhancements. These support U.S. personnel where they work, eat, sleep, and travel. Security upgrades are in progress at Tres Esquinas, Larandia, Apiay and Tolemaida.

Helicopters

The Public Law provides funds to DoS to purchase, refurbish, and sustain UH-1Ns (Huey), UH-60Ls (Blackhawk), and UH-1H II (Huey II) helicopters for the COLMIL. The DoS Bureau for International Narcotics and Law Enforcement Affairs (DoS/INL) is responsible for fielding equipment, training the aircrews, and sustaining 33 UH-1N helicopters that are now in Colombia. These aircraft provide the tactical mobility for the CN Brigade. The Defense Security Cooperation Agency is responsible for developing aircrew and maintenance personnel training plans for the UH-60 and Huey II helicopters. The UH-60 helicopters are scheduled to start arriving in Colombia in July 2001; all 14 of these

aircraft should arrive by December 2001. DoS will provide funding for one year of Contract Logistics Support (CLS). DoS is also responsible for fielding equipment and sustaining the Huey II aircraft. The Department of Defense is assisting with the training of helicopter pilots. The number of Huey II aircraft to be fielded will be based on final configuration decisions. Approximately 20 plus aircraft will be available for delivery beginning in November 2001.

To provide adequate facilities for these helicopters, the legislation provides funds to improve COLMIL aviation infrastructure. Projects that are underway in Larandia, Tres Esquinas, and Tolemaida and are funded by Public Law 106-246 include access roads, parking ramps, fuel pads, billeting, and hangars. A runway extension is also underway at Tres Esquinas but was funded under a separate appropriation. Projects are on schedule at Tolemaida and Larandia with completion scheduled for June 2002. Projects at Tres Esquinas are temporarily halted due to low water levels of the Caqueta River that prevent the movement of construction materials. The hangar project that is intended to support Colombia's organic intelligence capability and was originally scheduled for completion in October 2001, will be delayed approximately 90 days.

Interdiction

The Public Law provides necessary operational and safety improvements for our Forward Operating Locations (FOLs) at Manta, Ecuador, and Aruba/Curacao in the Netherlands Antilles. The legislation also provides funding for FOL design costs at Comalapa, El Salvador. Air operations from these locations are critical to providing effective support to host nation interdiction efforts. Construction at Aruba/Curacao is scheduled to begin in the summer 2001

with completion approximately 18 months later. Construction at Manta is ongoing with completion scheduled during the summer of 2002. The design contract for improvements at Comalapa, El Salvador was awarded in December 2000, and construction is scheduled for completion in September 2001. Funding has not yet been appropriated for construction requirements at Comalapa.

The Public Law also provides funds to assist the Colombian Air Force (COLAF) in upgrading its aircraft interdiction capabilities. One AC-47 gunship will be modified to include Forward Looking Infrared Radar (FLIR) and additional weapons and communications systems. Modifications will be completed by the end of March 2001. Two Colombian C-26 aircraft will be upgraded to an airborne tracker configuration by including FLIR and additional communications equipment. These modifications are ongoing and will be completed by September 2001.

The legislation also provides funds for Ground Based Radar upgrades to include procurement and installation of ground-based radar at Tres Esquinas with Initial Operating Capability (IOC) scheduled for October 2001. Full Operating Capability (FOC) will be achieved in February 2002. The remaining funds will be used to replace the COLMIL's aging radar command and control system -- Peace Panorama. The new system is scheduled to achieve IOC in May 2002.

Putumayo Situation Update

The implementation of enhanced COLMIL capabilities began in mid-December 2000 with combined eradication spraying and ground interdiction operations in the southern departments of Caqueta and Putumayo. Throughout these operations, we have seen an unprecedented level of cooperation between the COLMIL and the Colombian National Police (CNP). The CN Brigade provides ground security for spray

aircraft while also interdicting drug labs. By early February 2001, DoS/INL aircraft had sprayed approximately 25,000 hectares of industrial size coca fields and the CN Brigade had destroyed 48 drug labs.

Regional Stability and Spillover

The production and transportation of illicit drugs is a regional problem that requires a cooperative regional solution. While the $1.3 billion U.S. aid package focused primarily on Colombia, it did provide $180 million for DoS programs to neighboring countries, primarily for drug interdiction and alternative development. With the successful implementation of Phase I of Plan Colombia (Push into Southern Colombia), the DTOs may be pressured to move their operations beyond Colombia's borders. Ecuador and Panama have already reported that insurgents and illegal self-defense groups working with the DTOs have violated their sovereignty and physical borders. Ecuador and Panama have also reported displaced Colombian refugees inside their borders. Lacking the necessary security forces to secure all possible entry points, Panama and Ecuador remain especially vulnerable to incursions and the resulting social and political destabilization.

Bolivia. Bolivia's "Dignity Plan" lists illegal coca eradication in the Chapare and Yungas regions as a top priority for President Banzer's administration. Bolivia, with perhaps fewer resources than any other country in the region, has achieved remarkable results in eradicating illegal coca crops. President Banzer has maintained a consistent policy of eradicating all illegal coca cultivation and aggressively interdicting the DTOs' operations in his country.

Bolivia has seen a sharp decline in the amount of potential cocaine production since 1997. Today, the Dignity Plan's goal to

achieve total eradication of illegal coca leaf by 2002 is very possible.

Bolivia has also enjoyed success in interdicting the movement of precursor chemicals. Because of this success, Bolivian Cocaine Hydrochloride (HCl) and base quality have declined, causing the DTOs to concentrate their efforts on transporting base and HCl from other nations such as Peru. Effective interdiction and control of precursor chemicals must remain in effect even when the eradication campaign enters the maintenance phase, to prevent the conversion of Peruvian base to HCl in Bolivia.

Unfortunately, Bolivian borders remain porous. As DTO activity in Bolivia changes from production to processing and transshipment, effective interdiction becomes a top priority for security forces. Bolivia's interdiction efforts have been successful in some areas but must be improved along Bolivia's border with Peru and Brazil.

Brazil. Although not an Andean Ridge nation, Brazil shares borders with many of the countries that will likely be affected by Plan Colombia's success. Because Brazil is already a transit country, anticipated shifts in DTO operations in response to Plan Colombia will have a direct impact on Brazil's border region and airspace. In northern Brazil, DTOs move large quantities of precursor chemicals along the waterways. The DTOs also employ civil aviation that is difficult to detect at low altitudes with limited radar coverage. In the south, the traffickers move their products generally over land via the secondary road network.

The Brazilians state that drug trafficking is a regional problem that requires regional solutions. They believe a successful Plan Colombia will affect the security and economic conditions of every nation. The Brazilian military is particularly concerned about the

Amazon, a region that is sparsely populated and difficult to monitor. Drug trafficking activity has prompted the Brazilian Army to reinforce its military garrisons along the border with Colombia and encouraged the government to field a more capable radar surveillance system.

Ecuador. Ecuador remains a major transshipment country for cocaine base and HCl from Colombia and Peru. A formidable challenge for Ecuador is to interdict the movement of precursor chemicals from the nation's Pacific Coast to Colombia, plus base and cocaine HCl from Colombia to Ecuadorian ports. Peruvian cocaine base is transported by road and air to Colombia for processing into HCl and then returned to Ecuador for shipment to international markets by air and sea. Although Ecuadorian leaders have stated that a regional solution is needed for the escalating drug trafficking problem, they remain concerned that they will be drawn into the internal Colombian conflict.

DTOs routinely cross into Ecuador from Colombia to contract warehouses and personnel for the storage and transportation of cocaine HCl and precursor chemicals. Until now, DTO activity in Ecuador has been largely limited to precursor chemicals and HCl transshipment with only limited amounts of coca cultivation. However, observers have recently detected nurseries in several remote areas that are growing coca and poppy seedlings.

The Ecuadorian military is preparing to respond to the anticipated spillover of Plan Colombia. However, available resources may significantly limit the military's actions. The military needs substantial assistance to field effective land, maritime, and air interdiction assets. The lion's share of counterdrug funding that the U.S. provided last year to Ecuador is targeted for non-military programs. Without substantial equipment upgrades, modernization, and

counterdrug training, Ecuador's armed forces will be unable to effectively contain the illicit drug industry.

Panama. Panama is a transit country threatened not only by the illicit drug spillover from Plan Colombia but also by the increasing presence of the FARC and paramilitary groups inside its southern border. The threat is most immediate in the Darien and San Blas Provinces where insurgents and paramilitary groups come to rest and resupply. Additionally, DTOs operate with impunity off Panama's extended coastline. Panamanian leaders are concerned about HCl entering their ports from Colombia and the shipment of precursor chemicals and illegal arms through Panama to Colombia and other Andean Ridge nations. Of growing concern to the Panamanians is the lucrative money laundering that is a by-product of the illicit drug industry.

Currently, HCl is not produced in Panama. HCl enters the country via small boats or non-commercial aircraft. The sea shipments arrive along the two extended and virtually uncontrolled coastlines or are smuggled by containerized shipping through Colon's free trade zone. Fixed and rotary wing aircraft enter Panamanian airspace undetected and land at remote, unmonitored airfields. The HCl then moves north along the Pan American highway through Central America and Mexico to the U.S.

Peru. The Peruvian national counterdrug effort has been focused on first, interdicting the flow of HCl, cocaine base, and precursor chemicals; and second, continued manual eradication in the valleys. U.S. funding intended last year to support these efforts was diverted to other nations following Peru's problem-plagued elections.

The Peruvian "Back to the Valley" campaign focuses manual eradication efforts primarily on the Upper Huallaga Valley. The Peruvian military and national police have allocated considerable resources to this campaign but like many nations in the Andean Ridge,

they need additional resources to achieve long-term success. They have, however, simultaneously with eradication efforts, been successful in "cordoning off" designated areas and interdicting drug money and chemicals inbound to Peru and HCl outbound to other Andean nations.

Peru intends to complete its eradication of illicit coca cultivation by 2003. The government complements its eradication efforts and integrated interdiction activities with alternative development, prevention, and rehabilitation programs. Currently, eradication of Peru's coca fields is in an operational pause. This lull in eradication, coupled with record-high coca leaf prices, could entice farmers to recover previously abandoned fields and plant new coca crops. Observers have also reported that new poppy cultivation has been detected in Peru. The discovery of poppy and heroin labs indicates that this drug could become a more substantial problem for Peru in the future.

Ineffective patrolling and lack of government control have become a problem in the border region. Peru has very limited presence along the Putumayo River that separates Peru and Colombia. Shipping of illicit drugs and other contraband along the river is common. Neither government, without strong evidence of a crime, may interfere with the free transit of the other country's watercraft. A similar situation exists along Peru's border with Brazil.

Venezuela. Venezuela is a key node for the transportation of illicit drugs. DTOs move precursor chemicals to Colombia and HCl from Colombia through Venezuela to the United States and European markets. As in Panama, the DTO activity in Venezuela is also accompanied by significant money laundering operations.

Coca and opium poppy are cultivated in Venezuela on a small scale astride the Colombian border. While cultivation is currently not a

serious problem, the Venezuelans want to establish alternative crop development programs in potential illegal drug growing areas. Venezuela's domestic drug consumption does not pose an immediate threat to society but it is of growing concern to government and private agencies. In addition, as in the Caribbean and other transit areas, the DTOs are paying for services increasingly with cocaine products versus hard currency.

Many precursor chemicals are either produced in Venezuela or legally imported and subsequently diverted to Colombia. The DTOs then move HCl through Venezuela via roads and non-commercial air to points of transshipment. Information sharing and bilaterally coordinated border control are necessary to substantially affect the movement of precursor chemicals and HCl between Colombia and Venezuela. Successful control and interdiction of Venezuelan precursor chemicals could significantly impact the illicit drug industry in the Andean Ridge.

REGIONAL SOLUTIONS TO REGIONAL PROBLEMS

Although national efforts by individual countries, notably Peru and Bolivia, have enjoyed local success, some elements of the drug trafficking operations in those countries have simply moved to other areas within the region. Any regional solution to the narcotrafficking problem must be jointly developed and implemented by our Partner Nations. Additionally, the solution must come from within the Andean Ridge region. While the United States can provide assistance, the best solution will be authored by those closest to the source.

I am concerned about the reported upsurge in coca cultivation in Colombia, but I am encouraged by the commitment of our partners and by

the progress we have seen during Phase I of Plan Colombia. The unprecedented level of cooperation between Colombia's armed forces and National Police reinforces my confidence.

My counterparts in Latin America and the Caribbean recognize the illegal drug trade not only as a cancer on their societies but also as an imminent danger to their internal security and democratic form of government. They understand that they must develop cooperation between neighbors, alternatives for their people, and improved capabilities for their security forces.

Plan Colombia will not totally erase the scourge of illegal drugs in the Andean Ridge. However, a fully coordinated plan of assistance - one that provides appropriate support to Plan Colombia, effectively resources Colombia's neighbors, adheres to a regional strategy, and ensures cooperation among Partners - can help stem the flow of drugs and possibly reinforce regional stability.

Thanks to the hard work of this Committee and the bipartisan support of the Congress, we are making progress against the illicit drug industry. Our progress in Colombia and in other nations of the Andean Ridge will be measured not only in tons of cocaine or kilos of opium seized, but also in the lives we save in our own country. This struggle, the fight against despicable drug traffickers insensitive to the destruction they sow, belongs to every nation in this hemisphere. As partners working together, we can and will make a difference.

Thank you for this opportunity to appear before the Committee.

Mr. SOUDER. Let me start with Mr. Beers.

In the comments from Mr. Newberry—and I wanted to make clear for the record that Plan Colombia, some of the public perception is that we have spent $1.3 billion, and what are the results that are occurring in Plan Colombia? Approximately how much of the dollars that were allocated are actually on the ground at this point in Colombia?

Mr. BEERS. Sir, in terms of actual on-the-ground dollars, I will have to give you a specific answer to that for the record. I don't have it.

[The information referred to follows:]

Q from Mr. Souder: In the comments from Mr. Newberry - and I wanted to make clear for the record that Plan Colombia, some of the public perception is that we have spent $1.3 billion, and what are the results that are occurring in Plan Colombia. Approximately how much of the dollars that were allocated are actually on the ground at this point in Colombia?

A from Mr. Beers: Of the $838.5 million appropriated to the Department of State for Colombia, approximately $622 million has been committed into contracts, grants, or other procurement actions. The status of some specific activities are:

- **Army Counternarcotics Battalion UH1N Program:** All 33 UH-1Ns are in country and in service with the COLAR, providing lift for the Counternarcotics Battalions. The aircraft are provided with M60D machine guns and MK44 weapons systems.

- **Army Counternarcotics Battalion UH-60 Black Hawk Program:** A contract for 14 UH-60 Black Hawk helicopters was signed Dec. 15, 2000. Delivery of the first aircraft is scheduled for July 2001 with the rest to be delivered three per month starting in August 2001.

- **Army Counternarcotics Battalion UH-1H Huey II Program:** Final configuration decisions were made in February for

approximately 25 19 Huey II helicopters. The contractor has initiated work on the initial group of these helicopters.

- **Army Counternarcotics Battalion Organic Intelligence:** Three Schweizer aircraft for the Colombian Air Force have been ordered. The first aircraft is scheduled for delivery in September, the second in November, and the third in January 2002.

- **Upgrade Colombian Air Force OV-10 Aircraft:** INL has committed $15 million to upgrade 10 Colombian Air Force OV-10 aircraft to include structure repairs, power plant upgrades, mechanical and electrical system repairs, and technical documentation revision.

- **Support for Colombian Air Interdiction Program:** Funding is being used to upgrade 13 Colombian A-37 aircraft and 10 Peruvian A-37 aircraft. FLIR Systems and Tadiran radios for the Colombian aircraft have also been procured.

- **UH-60 Black Hawk Procurement and Support:** A contract for two UH-60 Black Hawk helicopters was signed in December 2000. Delivery to the Colombian National Police is scheduled for July.

- **Additional Spray Aircraft:** A contract has been signed for five Ayers T-65 agricultural spray aircraft, with an option for an additional four. Delivery is expected late this summer.

- **Upgrade UH-1N Helicopters to Huey II Configuration:** A delivery order has been issued for four modifications, with another fixe to be done by the Colombian National Police in-country with kits provided by INL.

Procurement for other lines for ammunition, fuel and lubricants, weapons, rations, force protection upgrades and enhancements, communication equipment, tents, training for senior commanders, pilots and mechanics, have been ongoing. Contracts and grants have been put into place by the U.S. Agency for International Development and the State Department's Bureau of Population, Refugees and Migration for alternative development activities, and to assist internally displaced persons and for those crossing Colombia's borders into Ecuador. Agreements have also been initiated between INL and the Department of Justice for administration of justice programs.

Mr. BEERS. I would tell you as a general proposition that most of the money with respect to Colombia at this particular point in time is not yet in Colombia. The helicopters, which we have provided in the form of the UH–1N helicopters, are in Colombia and operating. That is Plan Colombia money. The training and equipping that DOD and we have done is on the ground in Colombia and operating, and there are beginnings in other areas. But as Mr. Newberry quite correctly said, what we have done is contract for and established delivery schedules for the equipment which was appropriated for, and those will be delivered in Colombia on the schedule that is in my statement, and I can go into it in detail if you would like, sir.

Mr. SOUDER. We will have the statement in the record.

My primary concern is I want to make sure the record shows that while this committee has had differences with the past administration about how soon and how aggressive that effort should have been, the full impact of Plan Colombia is not being seen yet at this point, and that is to be measured over the delivery period of the equipment and the training.

Another question in framing the Plan Colombia debate we are about to have in Congress in this year's budget, you said that the proposal coming to us will be in excess of $500 million. Is that for Plan Colombia and the Andean region combined?

Mr. BEERS. It is for Andean region initiatives which will include seven countries, sir. It is Colombia and the other six, yes, sir.

Mr. SOUDER. There has also been a misnomer that I have seen in print and heard from other Members that we went from zero to $1.3 billion and now have this sustaining effort. Roughly what were we putting into the Andean region and Colombia pre-Plan Colombia?

Mr. BEERS. The INL contribution in that regard on an annual basis was between $150 million and $200 million a year. I would allow Mr. Newberry to talk about what the Defense Department contribution was.

Mr. SOUDER. Mr. Newberry.

Mr. NEWBERRY. Yes. The baseline was probably around $100 million, and the supplemental gave us specifically for Colombia—from DOD perspective was about $250 million. So you had a spike in fiscal year 2000 that carries out as we procure and build the installations, and then we will probably go down to our baseline, which will be approximately $100 million.

Mr. BEERS. That is for Colombia only.

Mr. NEWBERRY. For Colombia only. That is specific Colombia. There are things that support Colombia that is not captured in that. It doesn't capture aircraft support for detection and monitoring. Those things are sort of broadly covered under a different budget line. This is specific Colombia support.

Mr. SOUDER. I just want to make sure the record shows as we evaluate that we didn't go from zero to $1.3 billion to whatever number this year's number is. We, in fact, had a trend line of investment that doesn't include the DEA investment which is not directly part of Plan Colombia, but which has been an increase in resources in the Andean region that has been fairly steady. In other words, whether or not we have a Plan Colombia, we are going to

have a major investment there. This is a ramping up to see if we can turn the corner and get ahead of that.

I would also like to note that—as you had in your written statement—that the 25,000 hectares, which is not necessarily what—that is not the final—in other words, you are going to give a report only what actually was shown on the ground as to actually and permanently eradicated, or semipermanently. That is roughly about 2.5 acres per hectare for people to understand, 62,000.

Mr. BEERS. Yes, sir.

Mr. SOUDER. That, given the new projection of 136,000, it is still roughly 20 percent of the entire acreage under cultivation in Colombia. I would like you to provide for the record an explanation of why you concentrated all the resources in December on the coca, and what that window of opportunity was. What would a typical month in eradication be as opposed to the 25,000 that were sprayed?

Mr. BEERS. Typically in a given month prior to this, which is a 45-day period, sir, prior to that, a good month, a high-quality month, of eradication of coca has been on the order of 12,000, 10,000 to 12,000 hectares a month. We sustained an effort that was double our best month.

Mr. SOUDER. And was that partly because you had the military units on the ground?

Mr. BEERS. That was because we massed for the first time ever all of our spray aircraft, and because we had a joint police-military operation which reduced the amount of problems with respect to security. Even then, sir, we still had some bad weather days. We did not fly every day during that period. In one case we went a week within that 45-day period without flying.

Mr. SOUDER. Thank you.

Mr. Mica.

Mr. MICA. Thank you. Let me get right into a line of questioning that the chairman started out.

OK. The eradication, Mr. Beers, of coca, has been, you said, 25,000 and 10,000, so we are up to 35,000 hectares. What is the total coca?

Mr. BEERS. The current estimate for the end of calendar year 2000 is 136,200 hectares.

Mr. MICA. So in 4 or 5 months we have eliminated what, 20 percent?

Mr. BEERS. In 45 days.

Mr. MICA. What cost was that?

Mr. BEERS. You mean the dollar cost?

Mr. MICA. Just a ballpark. A couple million, $5 million, $10 million?

Mr. BEERS. No, sir. It was on the order of, and I am not costing the cost of the aircraft, only O&M dollars, only the basis of that, on the order of about $5 million, sir.

Mr. MICA. $5 million can get rid of 20 percent. I can't for the life of me not believe we can't get a few more bucks in. I know we are getting the stuff first that is easiest to get; is that correct?

Mr. BEERS. We are hitting the most concentrated area. But, please, sir, before you go on with that line of analysis, I was very careful to say I didn't give you any figures associated with the in-

frastructure and the aircraft and the people who are required to be there in order to use the gasoline and spare parts in order to effect this effort. We bought small planes, we bought helicopters.

Mr. MICA. It is a very small part of $1.3 billion. The $1.3 billion, of course, half of it goes to the military, approximately, or less than half, $516 million; the National Police, $115 million; $228 million for economic development. I get into a question on that. My point is a little bit of money can eradicate a lot of potential drugs.

Mr. BEERS. If everything is in place.

Mr. MICA. OK. The other thing, too, is we are concerned a little bit about poppy eradication. What is the schedule and what is the record on poppy eradication, which, of course, produces heroin? Has one been done at the expense of the other?

Mr. BEERS. If you want to follow that line of analysis, you can, sir. What we have chosen to do last year was to work with the CNP, and they sprayed about 9,000 hectares of opium poppy.

Mr. MICA. Out of a total of how many that exists of poppy?

Mr. BEERS. Sir, there are 2,500 hectares of opium poppy estimated to be in Colombia.

Mr. MICA. It is possible to concentrate, and we will have a program that eradicates both; is that correct?

Mr. BEERS. Yes, sir. But what we have done is focus our forces in one place——

Mr. MICA. Can we get rid of half of it in the next year?

Mr. BEERS. Of the opium poppy, sir?

Mr. MICA. Both, with the spray schedule and others?

Mr. BEERS. If things are fortunate and we are able to contain additional growth, that is a possible objective. But if I could go back to the poppy for just a moment, sir, the discrepancy between the number of hectares we sprayed, which is well in excess of the number of hectares that exist, is because opium poppy grows in 90 days and you have to go back and spray it again and again and again in order to convince the campesino not to continue to grow it, because it is such an easy crop to grow.

Mr. MICA. That is important. The most successful pattern that we could follow would be Bolivia. They pulled it out by hand, as I said, the hard way, but they also were replacing it with alternative development.

Mr. BEERS. Right. And we have a program for that.

Mr. MICA. I met with the head of U.N. Office of Drug Control Policy, and I asked him how much work on alternative development had been contracted to them, because they have probably the best record in the world, and also more credible than the gringos or the United States going in and doing this or other folks. They said they got a $5 million contract.

What are we doing as far as alternative development and contracting that out or getting it done, because it has to be done in sync, right?

Mr. BEERS. Yes, sir, that is the way that it works the best. We have had in association with the Government of Colombia a 3-year, $15 million program of alternative development with respect to opium——

Mr. MICA. 3-year, $15 million program.

Mr. BEERS. Sir, with respect to opium poppy only. We are now going into the third year.

Mr. MICA. What about the coca?

Mr. BEERS. We began this year with the funds that were made available from Plan Colombia.

Mr. MICA. Out of $228 million, there is what, about $90 million available?

Mr. BEERS. Yes, sir, for programs related to that, and there are Colombian Government programs.

Mr. MICA. How quickly can we get that in, because, again, we are concerned about the peasants who are growing this stuff and that they have some alternative, and we found that if we eradicate it, they will go back to it if there is not some alternative. So it would have to work in sync.

Mr. BEERS. Yes, sir.

Mr. MICA. What would be your schedule on getting the $90 million?

Mr. BEERS. Our schedule with respect to the overall program is to work community by community to develop projects in which—and this is United States and Colombian Government working together, not United States only. These are Colombian officials executing these projects to work community by community to establish projects for up to 30,000 hectares over a 2-year period. We have now—thus far the Colombian Government has now thus far established projects to cover about 3,000 hectares and 1,400 families. We hope by the beginning of April to have that total up to nearly 7,000 hectares.

Mr. MICA. If you could give the subcommittee a schedule of what you intend to do and how we intend to disburse that, because by the end of September, that money is programmed through that time, and that is 10 percent of what we are eradicating, if we are doing——

Mr. BEERS. Sir, we are not intending to do alternative development with all of the coca in Colombia.

Mr. MICA. Heroin also?

Mr. BEERS. No, no. We have categorized it into two different threats. There is industrial coca and small plot-holder coca. We are only going to do the alternative development with the small plot-holder coca. We are not going to pay large agriculture industrial enterprises that are narcotraffickers to go into some sort of other business. They are criminals. We are going to deal with them that way.

Mr. MICA. Absolutely. We have a good model. We have had someone who has conducted this. I strongly support the U.N. Efforts. That is coming from a pretty conservative Republican over, let's see, this is my right side, OK. But I have seen what they have done, and they have the credibility. So I think we could get some of that money out there, get somebody to do it, and give them an alternative as soon as possible.

What kind of herbicide are you spraying?

Mr. BEERS. We are currently using a herbicide called glyphosate, sir.

Mr. MICA. I had reports when I was down there that the drug dealers are using glyphosate to kill the weeds around the coca and the poppy plants.

Mr. BEERS. It is an herbicide.

Mr. MICA. It is pretty dangerous stuff, isn't it?

Mr. BEERS. No, sir.

Mr. MICA. It is killing the peasants.

Mr. BEERS. No, it is not, sir. We don't have any evidence to indicate it is killing peasants, sir. We tested it in the United States.

Mr. MICA. They have severe health problems. We had the other Members on the other side who are down there hugging the guerrillas and the peasants saying that we are spraying them with toxic material.

Mr. BEERS. Sir, with all due respect to the reports that have come out——

Mr. MICA. Has this stuff been tested?

Mr. BEERS. This has been tested and approved for use within the United States.

Mr. MICA. Actually people are using it in their backyards to eradicate weeds?

Mr. BEERS. Yes, sir.

Mr. MICA. You are telling me it won't hurt the hair or harm the skin of any little guerrilla?

Mr. BEERS. Sir, if you were to drink a concentrated substance of this, it would hurt you. We spray this in such a density that there is about a milliliter of this substance which lands on a square meter of ground. That is the way it is dispersed.

Mr. MICA. The New York Times had a picture of a spray plane spraying peasants. Is this your effort to go after these little folks? We heard also testimony or an opening statement today that you are wiping out the livelihood of little peasants. Is that how you targeted this to start out?

Mr. BEERS. No, sir. We target—we go in in advance, we look where we are going to spray, and only then we come back and spray. We monitor what we have done after we have sprayed to make sure that we are hitting what we are trying to. If there is cultivation of legal crops within coca fields, we do not not spray that because it is a coca-producing field. If they are choosing to try to deceive us by putting legal crops within an illegal field, it is an illegal field. If they put their crops separately from the illegal field, we don't spray them.

Mr. MICA. You heard great concern about getting parts, spare parts, down there. You said today you are going to sign an agreement with the police. I know this will work, I mean, if we can get this all together, and I appreciate what you have done, Mr. Beers. Sometimes there has been different signals from different folks about putting this all together, but it can work, and I know you have a lot of responsibility, and it is a huge project.

So we are not here to beat you up, although that is fun sometimes. We do want it to work, and we really—if you see something that is missing in this, we have gone down and we are giving you our observations, and there is no question again with a little bit of money and getting this together that we can eradicate a lot of the supply.

Mr. BEERS. Thank you, sir. I appreciate that.

Mr. SOUDER. Mr. Mica, let me take a turn, and I will get back to you.

Mr. MICA. I haven't gotten to Pace. I will get Pace in the next round. Get some of that military to block the door there.

Mr. SOUDER. I also want to move to Mr. Marshall next in the questioning. Could you elaborate on what you think the heroin problem is becoming in this country? Do you see that as a declining or growing problem in relation to cocaine?

Mr. MARSHALL. I think it is a growing problem, Mr. Chairman, and we are quite concerned about that because we have seen that we are sort of a victim of our own success. We had a lot of success over the years until wiping out the Southeast Asian market or suppliers to the U.S. market, and to a certain degree the Southwest Asia suppliers. What we saw then unfortunately was that the Colombian traffickers saw that opportunity, and they took advantage of it to move into the U.S. market.

What they did was they aggressively marketed this product, which is a pattern that we see with the Colombia-based and Mexican-based traffickers. They did such things as offering low prices and high purities in particularly East Coast markets. We had a lot of reports early on that they did such things as giving away free samples, they did such things as selling a few kilos of heroin with a shipment of cocaine as a condition of selling that cocaine. Their goal was to create a market for heroin.

So with all of those elements coming together, they did manage to successfully introduce it into the United States. The reason I think the market is growing is because they have managed to market this brand of heroin, this more potent product, to a new type of user in the United States. It used to be that heroin was associated with junkies, with needles, with very just grungy, unsanitary conditions, and a lot of people, middle-class, middle-income, younger people, college students, didn't want any part of it because of the needle aspect of it and the filth associated with it.

Well, because of the purity of Colombian heroin, this product could be inhaled or snorted in a similar fashion as people use cocaine. So you had naive people thinking that because it was used that way, it would not become addictive. So college people, professionals, people that never ordinarily would have touched it started using it. They quickly found that it was just as addictive, and they quickly—we quickly saw that they moved to the needle and really became traditional junkies in a large sense.

We saw that particularly in Operation White Horse, where we worked very closely with the Colombian National Police and authorities in New York, Philadelphia, Delaware, and we took out an entire Colombia trafficking organization, heroin trafficking organization that was marketing that product to essentially weak and vulnerable people in those areas.

So it is growing in regard to coke. I apologize for making that answer so lengthy, but I think it is important that we understand the situation.

Mr. SOUDER. In the United States, would you say that—what percentage of the heroin in the United States would you say is coming from Colombia?

Mr. MARSHALL. I think our estimate right now is 65–70 percent from Colombia, of the U.S. market.

Mr. SOUDER. And what was that—you said Asian heroin is declining. Has that shift occurred in the last year to 2?

Mr. MARSHALL. It has occurred in the last 5 to 6 years, I would say. We managed to wipe Southeast Asia heroin largely out of the market in the early mid-nineties as a result of working with the Thai authorities, and again extradition was involved in an operation—the name of it escapes me right now, but we got a lot of the Southeast Asia heroin kingpins that we extradited back here. At the same time, the Thai authorities did a magnificent job over there and basically we hit them when they were vulnerable and the Colombians stepped in. That is really in the last 5 or so years. That operation was Tiger Trap that we did in Southeast Asia.

Mr. SOUDER. When we first started this debate most heavily in 1995 after the Republicans took over Congress and started focusing on cocaine, we, generally speaking, were focusing on the cocaine problem. You are telling us over that period of time when we have been focusing on the cocaine problem in Colombia, we have seen the traffic move from Asia in the mid-nineties to Colombian heroin, and, second, are you seeing a rise in domestic use of heroin simultaneously?

Mr. MARSHALL. That is correct, sir.

Mr. SOUDER. Is there a particular reason why heroin would be grown in Colombia and not in other countries—or poppy, I should say?

Mr. MARSHALL. Well, I am not an agricultural expert and I am not sure what specific conditions you have to have to grow the opium poppy. It is grown in many parts of the world. It is grown in Afghanistan, Southeast Asia, Burma, Mexico, Colombia. I would just assume that the temperatures and the growing season and the soil conditions are right in Colombia.

If you would like, I will do a little research on what kind of soil conditions and that sort of stuff. But certainly the conditions in Colombia lend themselves to growing the opium poppy.

Mr. BEERS. And we are beginning to see indications in Peru as well.

Mr. SOUDER. We heard in Ecuador they have some concerns, although not much evidence. Have you heard anything in Ecuador?

Mr. BEERS. I think the point that Donnie is making is absolutely correct. This is not a particularly geographic-specific crop. It can be grown essentially everywhere, and it is an issue where the traffickers want to organize themselves to market it.

Mr. SOUDER. Is it true it is best at 8,000 feet?

Mr. BEERS. It grows at lower altitudes as well, but that is what happens to be convenient in Colombia, and they are also at high altitude—the indications in Peru are also it is high altitude there. It would appear in part to be because that is more isolated, more difficult for government presence to effect law enforcement actions against it or for any government programs, for that matter, to be made available.

Mr. SOUDER. Also I wanted to ask Mr. Marshall, in Colombia do you feel that, particularly as the—kind of the pressures increase,

both in cocaine and heroin, that you have sufficient resources in DEA in Colombia?

Mr. MARSHALL. Well, certainly if you ask me if I need more resources in Colombia or anywhere else, I would have to say that, yes, I do need more resources. We did in fact work and put in several requests for resources within Plan Colombia. Unfortunately, we did not receive any of those. We are about to receive $5 million or so for wire intercept program within our regular budget. We had requested, I believe, something on the order of seven new agent positions and three support positions for Colombia in the—we requested it for several years, but most recently in the 2002 budget, I believe, and have not received that thus far.

But, yes, I would like to have not massive amounts of new resources, but modest amounts of new resources.

Mr. SOUDER. Aren't most of the major operations we do dependent on intelligence?

Mr. MARSHALL. Yes.

Mr. SOUDER. Because when we are looking in the Caribbean Sea or the Pacific region, how else would we identify which airplanes are prospects?

Mr. MARSHALL. Well, we identify—I mean various intelligence information comes to us in various ways. I mean, we have human sources, we have undercover sources, we have domestic investigations that feed into the whole picture, we have State and local law enforcement agencies that feed into it, and we have our aspect where we attack the communications. Frankly, when we combine them all, our ability to attack the communications is really, I think, our most beneficial, our most useful, our most productive element at the moment.

There is so much cocaine being shipped into the United States, when you look at the amount of sea that the Coast Guard has to cover, you look at the amount of traffic coming over the Mexican border, you look at the amount of containers in the port of Miami or Los Angeles, you have to have intelligence information to really impact that.

Mr. SOUDER. When we look at the map of Colombia and see in green, the biggest coca regions in the DMZ is in between those two regions. Do you have concerns based on your information that might be solidifying their operations, or they are using that as a base to in effect hide out?

Mr. MARSHALL. Well, yes, that is certainly our concern. I have to confess that since we can't get in that area, we don't know totally what is going on. That is a concern of the National Police, our counterparts, as well.

I don't think we have any real hard numbers or evidence to know what is going on in there. But I think it is reasonable to assume that since you have cultivations on the other side, that there is probably at least some of that going on inside the zone as well.

Mr. SOUDER. Mr. MICA.

Mr. MICA. Thank you, Mr. Chairman. We are a number of months into Plan Colombia and it is difficult sometimes from the time Congress appropriates until the time things are brought on line. I would like, Mr. Beers, if you could provide the subcommittee and, General Pace, if you could provide the subcommittee, with any

recommendations for altering any of the funds that we have appropriated to date. It got to be a feeding frenzy sort of at the end, and whoever was the biggest gorilla on the block got the most money. We have also got quite a bit of money into nation building.

Maybe you could give us a candid assessment of what is doable, expendable, and where our gaps may be. I would like that to come to the subcommittee within the next 2 weeks in case we need to go back to the appropriators or somebody and shift this around or look at where our gaps may be coming up.

Mr. Chairman, would that be acceptable?

Mr. SOUDER. Yes.

Mr. MICA. General Pace, we have one trained operational unit to date. Is the second one now completely trained?

General PACE. Sir, there are a brigade headquarters and three battalions. The brigade headquarters and two of the three battalions are trained and operational in the field now.

Mr. MICA. Trained and operational?

General PACE. Yes. The third will be done the last week in May, sir.

Mr. MICA. You have all of the equipment and resources ready to move?

General PACE. Sir, it is either on the ground or en route.

Mr. MICA. Can you provide the committee with a schedule, again in writing, of what the date is for the third unit, what is missing from being on the ground or en route, as you said? Could you do that?

General PACE. Certainly, sir. The date is around May 25th, sir. It may be 1 day on either side.

Mr. MICA. You heard Mr. Gilman and myself express our frustration about—of course, we have the police with helicopters that are not flying or cannibalized for some reason, and I think that is all because today they are going to sign the agreement. Now, with the military, we were told, I believe, there is 1 out of 10, or 1 out of 9 C–130's that can transport troops and equipment. Is that the Air Force?

General PACE. Sir, that is the Colombian Air Force; yes, sir.

Mr. MICA. Why in heaven's name can't we do something to get those planes flying?

General PACE. Sir, we certainly can.

Mr. MICA. I was told by one of your colleagues down there, a couple of National Guard units could come down or some technical people, or actually if we don't even want them there we could take folks out and train them someplace else to get that equipment going, maintained; but you can't have a Plan Colombia, you can't have any plan if we can't get it operational and get the troops and the equipment back up where it needs to go. Can you report to us in some way, some fashion, what you need to get that lift capability in place?

General PACE. Sir, I can certainly report to you.

[The information referred to follows:]

With respect to the Counternarcotics Brigade, the 3rd Counternarcotics Battalion (3rd CN BN) will be operational following graduation from training on May 24, 2001. The 3rd CN BN has most of its equipment, with remaining items scheduled for delivery on May 19, 2001. Secure (TADIRAN Radios) communications equipment is scheduled for delivery in September 2001.

The Colombian Air Force (FAC) C-130s provide critical heavy airlift support for all Colombian armed forces. The FAC C-130B fleet includes 10 aircraft but only seven are considered operational. One suffered a landing mishap and two were cannibalized in AUG 96. The FAC is experiencing problems maintaining their seven remaining operational C-130B aircraft. A U.S. Air Force Mobile Training Team (MTT) conducted an assistance visit during January-February, 2001 to provide training and assistance in upgrading FAC maintenance capabilities. The team identified training deficiencies, lack of spare parts and poor inventory control, and inadequate repair shops as the primary obstacles to maintaining acceptable C-130B operational readiness (OR) rates. The FAC has begun to take action based on MTT evaluations and recommendations, and C-130 Operational Readiness (OR) rates have increased from one of seven to three or four of seven in the last month. Additionally, the USG has provided approximately $1 million in 506(A) Drawdown Authority for spare parts. The Department of State is currently reviewing options to assist the FAC in improving C-130 readiness. Options under consideration include courses at

the Inter-American Air Force Academy (IAAFA) for FAC maintenance personnel; establishment of a long term (minimum one year) Training Team to work at Catam, the FAC facility at Bogota International Airport, and provide expertise in developing critical skills needed to better support the C-130 fleet; and a $3.2 million Lockheed Martin spare parts support package consisting of 385 line items and a spare engine.

Mr. MICA. The same thing with the helicopters. The Hueys, I guess, are doing the same thing. Can you do that, General? Some plan. My God, you guys, I know you can do it, and any time we assign the military and give them an order, they do it. They don't whine, they get it done. So I am looking from you what it is going to take to get that done, again because the police are doing the law enforcement function. But we can't have the police function without the military providing the protection and also getting equipment and resources there, right?

General PACE. Sir, it is not yet part of my mission, as you know, to do the Colombian Air Force or the Colombian helicopters. My mission is to train——

Mr. MICA. Who do you need permission from to get that? You are just training the troops and we have no way to get them there?

General PACE. Sir, I am training the troops.

Mr. MICA. Who is in charge of the whole thing? Who makes the decision?

General PACE. Sir, that is a policy decision.

Mr. MICA. Who? Tell me who. Come on. Who would pick up the—if someone picked up the phone and called you and said do it, who would do it? I mean, I am only 1 of 435. Turn that thing off, it bothers me.

General PACE. Sir, I understand. I am not sure which one of your questions to answer first. I will try the last one.

Mr. MICA. Do you need the Secretary of Defense?

General PACE. I get my missions from the Secretary of Defense, yes, sir; and yes, we can in fact determine on the C–130's——

Mr. MICA. We need a letter from the subcommittee to the Secretary of Defense. The whole thing won't work if we can't get the resources to where they need to go. It is that simple. This isn't rocket science. If you were going to fight a war and the strategy was only to treat the wounded, what would happen?

General PACE. I don't understand the context of the question, sir.

Mr. MICA. If you were going to fight a war and you were given orders, only treat the wounded, that is your only mission, what would happen?

General PACE. Sir, I presume we would lose the war. But I still don't understand the context of the question.

Mr. MICA. Well, you have answered it. Do you have any say or can you get the National Guard involved in any training missions?

General PACE. Sir, the National Guard can be involved in these training missions if those assets are provided to me by the Secretary of Defense. They don't need, in my opinion, they don't need assistance in the Colombian Air Force on how to maintain airframes. What they need is assistance with getting the parts that they do not have to maintain their Air Force. So it is a dollar-and-cents issue, not a training issue.

Mr. MICA. You are better at this. We were down there for a couple of days. You have seen it and your folks have seen it. If you can get to us in the next 2 weeks just a list of what it would take, and then we will go to whoever provides that.

One of the things that concerns me, we visited JTF Bravo in Honduras, and they told us that they only had permission for 9 or

10 days for narcotics—anti-narcotics effort, and that order came from SOUTHCOM.

General PACE. Sir——

Mr. MICA. They are there building hospitals and bridges and doing good works and drilling wells and they are doing training and other things, but they said that they are limited to 9 or 10 days, I forget what it was, but a very small number of days by SOUTHCOM.

General PACE. Sir, I am SOUTHCOM, so they get their orders from me.

Mr. MICA. Why is there a limit?

General PACE. They have a limit on the number of hours they can fly per month, sir. The helicopters you saw at Soto Cano Air Base in Honduras fly more hours per month than any helicopters in the U.S. Army inventory.

Mr. MICA. Right. We were told that. Why can't they do more anti-narcotics work?

General PACE. Sir, they certainly can. We have an exercise called Central Skies.

Mr. MICA. I love helping people, but, my God, there are people dying in our streets. What did we have nine——

General PACE. Sir, we have 18 helicopters there; 10 are Blackhawks that are troop carriers, four are Blackhawk Medivac, four are CH–47 heavy lift helicopters. Central Sky, sir, is the exercise that in fact is the exercise that we use to conduct lift of host nation police and military to eradicate primarily marijuana, but now assisting them in being set up to interdict cocaine shipments.

Mr. MICA. And hopefully heroin, too.

General PACE. Hopefully, sir.

Mr. MICA. But can you relook at that? Because it seemed like we have—I mean, we landed there, and, my God, we had helicopters all over the place and resources. We said oh, this is great. We said how much of this is being devoted toward anti-narcotics efforts. Well, about 10 days. And who made that decision? SOUTHCOM.

General PACE. If I may, sir, there is much more to my responsibilities than counter-narcotics. I certainly will take a look at that. I have the rest of engagements for all of Central America that I have to do with those helicopters.

Mr. MICA. Again, we are facing a national crisis. How many wars do you know where we lost 16,000 Americans in a year on our soil? If they were lobbing bombs at us, you guys would sure as heck be down there responding.

OK, FOLs. We don't have—we have a signed agreement with Aruba and Curacao, but we don't have the other Netherlands approval. Is that doubtful, Mr. Beers, or what do you think?

Mr. BEERS. Sir, I don't think it was doubtful. I thought that was signed as well. I will have to get back to you.

Mr. MICA. No, the Netherlands has not approved it, so we can't start any construction.

Mr. SOUDER. Their legislature hasn't approved it yet.

Mr. MICA. The Netherlands Parliament, the local authorities, and I guess they are sovereign, but there is the connection to the mother country, but the Netherlands Parliament has not approved it, and I have been over twice and we have talked to them, and I

was surprised when I got there that it still is in dispute. So we aren't going to put $40 million in one location and $10 million in another location until we have some contract signed, correct?

Mr. BEERS. You have to ask Mr. Newberry and General Pace about that, actually.

General PACE. Sir, we will not expend the money that has been allocated to upgrade Aruba and Curacao until the government in the Netherlands verifies the treaty.

Mr. MICA. Curacao, you have to refresh me, is that being designed to also take AWACS?

General PACE. Yes, sir.

Mr. MICA. Then we visited Manta, and I am told that Manta is going to be closed down for 6 months.

General PACE. Correct, sir.

Mr. MICA. Of course, with that closed down we do have a alternate plan to take up the slack; is that correct?

General PACE. That is true, sir. Between Curacao itself and Compala at El Salvador, although the legs are longer, therefore you have less time for the airframe in the target area, you can in fact fly from El Salvador, you can fly from Curacao, to get to the area.

Mr. MICA. But we have a plan when we close that to reinforce the runway in place to take up for the slack.

General PACE. That is correct, sir.

Mr. MICA. I am also concerned we will have plenty of these locations for AWACS. In fact, I was told in Honduras you could land AWACS on that runway. I think they told me it would take the Space Shuttle, it is so big. But then I was told we don't have the AWACS to support the mission. What is the plan there?

General PACE. Sir, like any commander, if you ask me do I have enough assets, the answer is no, I do not. However, I feel that——

Mr. MICA. Are we building runways at a cost of $150 million or improving them for planes that we don't have?

General PACE. No.

Mr. MICA. But you don't have them now?

General PACE. I have one now, sir, that I have on a recurring routine basis, and I am competing with my fellow CINCs who have other U.S. responsibilities; and we put our requirements on the table, sometimes I get the assets, and sometimes someone else with a higher priority gets the assets.

Mr. MICA. Do you have a request in for an additional AWACS?

General PACE. Sir, we do. We have a standing request in with the Joint Staff that when the asset is available, I can utilize two AWACS full-time.

Mr. MICA. You don't have to give us publicly, but can you give the subcommittee a history in the last year, up to date, if possible, the use of AWACS in that arena?

General PACE. Yes, sir.

Mr. MICA. One last question. I got a report that the Air Force has taken down the aerostats on the Gulf Coast of Florida. Mr. Newberry, do you know about that?

Mr. NEWBERRY. Yes, sir, I am aware of that.

Mr. MICA. What is happening?

Mr. NEWBERRY. Well, they are not down yet. They are still there. As you recall, Congress asked us to put together a report with Customs on the aerostat issue.

Mr. MICA. About transferring them over.

Mr. NEWBERRY. Transferring them over. In that report also their effectiveness, their use, which will also address the Gulf State aerostats.

Mr. MICA. Where are you?

Mr. NEWBERRY. We are still working the report with Customs.

Mr. MICA. They are not down?

Mr. NEWBERRY. They are down for different reasons. They are not being closed down at this moment. But, that said, the Department of Defense has also a certain amount of funds and certain priorities and certain missions——

Mr. MICA. And this isn't a priority. Who makes that decision? Who would say whether they go up or down? Give me a name.

Mr. NEWBERRY. Well, I will give you my name, sir. Bob Newberry. Use my name.

Mr. MICA. Well, there is great concern. I mean, we have over-the-horizon radar that takes in certain things. We have limited surveillance operations going on out there. We know the drug traffickers come in at low altitudes and are not detected by some of these gaps.

Mr. NEWBERRY. That is one of the areas we are looking at. In fact, our assessment shows the Gulf Coast routing never has been a problem, it is not a problem, and is probably the least priority of our problems for transiting drugs into the United States.

Mr. MICA. Could it be because we had them there?

Mr. NEWBERRY. No, actually they have not been there that long. They are probably the last ones that were built. We had a lot of pressure from obviously the southeast States and a lot of unsubstantiated reports about aircraft trafficking in that area. But as of this date, that probably is not an air trafficking route into the United States.

Mr. MICA. OK. We want to see where they can be best utilized if they are going to be taken down or transferred. Maybe we could get them all to Customs, work together, and then utilize them. We do know they are a deterrent, we do know they are a great detection source. We do know that drug dealers come in under radar and they have the capability to detect some of that. So can you give a little report to the chairman of the subcommittee and let us know, before anything comes down, or what you are going to do with them?

Mr. NEWBERRY. Sir, the report—we owe you an official report to Congress due in May, and nothing will come down before that report reaches the Congress.

Mr. MICA. OK. Staff is screaming behind me that they are already down.

Mr. NEWBERRY. Sir, there are aerostats down all the time for different reasons. Hurricanes blow them down, they fall down.

Mr. MICA. Give me a little record. There are no hurricanes in this month. I come from Florida. Can you please give us a record of when they have been up and down and what they are doing with them? Before May.

Mr. NEWBERRY. The current status of the aerostats.

[The information referred to follows:]

Tethered Aerostat Radar Site Status

Site Location	Status
Caribbean Region	
Cudjoe Key	Operational
Lajas, PR	Operational
Southwest Border Region	
Ft Huachuca, AZ	Operational
Deming, NM	Operational
Yuma, AZ	Out of service for conversion to L-88A/420K configuration, testing in progress. Will complete in May '01.
Marfa, TX	Operational
Rio Grande City, TX	Operational
Eagle Pass, TX	Operational
Gulf Coast Region	
Horseshoe Beach, FL	Site in service, system non-operational. Balloon reached end of service life in Sep 00.
Morgan City, LA	Site in service, system non-operational. Balloon destroyed by thunderstorm, Aug 00.
Matagorda, TX	Site in service, system non-operational. Balloon reached end of service life in Feb 00.

Mr. MICA. Finally, Mr. Chairman, if you will indulge me, I asked General Wilhelm about the status of the Riverine Project, because we know when we get them in the air they go to the river or to other areas. And this was a hearing, House of Representatives, March 12, 1998. He promised to give me a quarterly report on what is happening there. The Department of Defense, I believe, has been derelict in that. General Pace, you have taken over. Can you give us an update on the Riverine status, where we are? We had some trouble getting, again, the equipment there and getting it operational?

General PACE. In Colombia, sir?

Mr. MICA. Sir.

General PACE. Sir, I will take that for the record to give you an accurate answer.

Mr. MICA. I think we are OK in Peru, but if you could give us an update as far as anything we are involved in Riverine equipment there.

The final thing, Mr. Beers, 2 years ago we appropriated $300 million for this effort.

Mr. BEERS. Yes, sir, $232.

Mr. MICA. Right. Is all of that expended?

Mr. BEERS. I will have to get you that report for the——

Mr. MICA. Can you get us that report?

Mr. BEERS. Yes, sir.

[The information referred to follows:]

INL has used approximately $225M of the $232M provided in the FY '99 Emergency Supplemental Appropriation. Contracts and interagency agreements have been the primary vehicles for the obligation of funds. Included in the support financed by the appropriation are:

For Colombia:

- 6 Black Hawk helicopters for the Colombian National Police including pilot and mechanic training, spare parts, technical assistance and the renovation of hangar facilities in Colombia
- 2 ship sets (four guns) of GAU-19 .50 caliber mini-guns and 25 ship sets (fifty guns) of 7.62 caliber MK-44 mini-guns
- 2 additional agricultural spray aircraft
- 4 observation aircraft
- Refurbishment and fielding of 33 UH-1N helicopters
- 15 Huey II helicopters
- Refurbishment of 13 A-37 aircraft
- $6M in operational support for the CNP Air Service
- 1 DC-3 aircraft
- 8M in CNP base security improvements
- $1.2M in enhancements to the GOC prison system

For Peru:

- Facilities improvements and installation of a Instrument Landing System (ILS) at Puerto Maldanodo
- Overhaul of 14 Tucano engines
- $6M in operational support to riverine and eradication programs
- Refurbishment of 10 A-37 aircraft
- $5M in support for alternative development programs

For Bolivia:

- $7M in support for air, riverine and eradication operations
- $5M in support for alternative development programs

Mr. MICA. Then prior to that we have been asking for surplus equipment. What number is that? 506 drawdown. Has all of that been delivered?

Mr. BEERS. I will get you that for the record. We do report that on a regular basis with the Department of Defense and we will get you the most updated report on that, sir.

[The information referred to follows:]

The Presidential 506 drawdowns for FY 1996 and 1997 have been terminated.

For FY 1998 drawdown, the majority of the line items have been delivered. The remaining items to be delivered are UH-1H spare parts for helicopters that continue to be ordered until the case is terminated, and a few mobile training teams that are being scheduled by the MILGP.

For the FY 1999 drawdown, the majority of the equipment has been delivered. The remaining items to be delivered are mobile training teams (20% delivered), some ammunition (81mm mortar, 90% delivered), flight equipment(50% delivered), UH-1N helicopters spare parts (85% delivered), A-37 aircraft spare parts (55% delivered),and .50 caliber ammunition (none delivered yet). An additional shipment is scheduled for June/July 2001 which should complete the delivery of the remaining items.

Mr. MICA. Mr. Chairman, the defense rests.

Mr. SOUDER. I have some additional questions, and then we will wind up.

First, I would like to ask Mr. Beers on the GAU–19 ammunition question which we ran into again in Colombia, that there is no question that some of the guns are jamming and they believe it is because of the ammunition. We heard that Crane had given some evaluation that the ammunition that was sent, the 50-year-old ammunition, would be workable. Is that where you received the information that the ammunition for the GAU–19s would be workable?

Mr. BEERS. Yes, sir, we did receive that information from Crane, and that ammunition is currently being used by the Air Force, the Colombian Air Force. They have fired, I think, maybe 1 million rounds already of that ammunition. It works if you turn the select or switch to 1,000 rounds per minute instead of 2,000 rounds per minute.

But I would also like to correct, at least from our understanding, none of the GAU–19s that the Colombian National Police used were down because of this ammunition. They only fired it once and that was a test firing. There have been some instances in which the GAU–19s are not operating, but it is not related to the ammunition.

Because of that original General Dynamics indication that older ammunition shouldn't be used, they have not used it. But the Air Force is perfectly prepared to use it for their own mini-guns and use it successfully.

Mr. SOUDER. For the record, I would like some sort of copy of whatever document or information you received from Crane that provided that analysis, and also whether or not any American units used that type of ammunition with that gun.

Mr. BEERS. All right, sir, we will get that for you. Thank you.

Mr. SOUDER. Thank you. On the training question, as you heard from Congressman Mica, and you have heard from me in different forums, there is a concern about the training process. You heard from Congresswoman Schakowsky, too, about the contracting out. It was still unclear to me from the discussion here that prior to the troops going on—in other words, SOUTHCOM was providing training for the military units. Once they are trained, is there any followup training and is anybody working with those units in dealing with problems?

General PACE. Mr. Chairman, thank you.

We have had refresher training with the first two battalions that were trained, and it would be a normal part of a sustainment to send back teams of about 8, 10, 12 individuals who assist to make sure that the trainers who we—have been trained are still executing properly.

So although I don't have that planned beyond these three battalions into the following year, because that still is a resource allocation decision to be made by the current administration, that would be a reasonable thing to continue to do.

Mr. SOUDER. One of the concerns that popped up in a number of the testimonies is whether or not there is helicopter pilot training; and the helicopter pilots are the largest group contracted out, is that correct?

General PACE. Yes, sir.

Mr. BEERS. With respect to the military helicopters, the UH–1N program has been funded and supported by the INL budget line. And we have used the INL air wing as the support entity that does that, and they do use Dyncorp, and some subcontractors actually implement that program in the field.

We chose that route—that is, we, the U.S. Government chose that route, at a time in the fall of 1999, when it was a question as to who had the funds and who could move the quickest with respect to their authorities in order to undertake that program.

With respect to the Blackhawk program, while we have been using State Department funds for the procurement, the training of the pilots will be handled by the Department of Defense.

With respect to the Huey II program for the Colombian Army, we are still in the final determination stage as to who will execute that and who will fund that, but it will be executed, and it will be funded.

Mr. SOUDER. I think I can speak for both the conservative Republicans and the liberal Democrats. We would like to see proposals from the State Department and the Defense Department to accelerate the training of Colombians, so we don't have to do the contracting out, who are largely Americans.

Mr. BEERS. No, sir, that is not true.

Mr. SOUDER. The Dyncorp is not largely Americans.

Mr. BEERS. No, sir. What we have done with respect to the UH–1 program, and let me be very clear about this, because it is very important, we have U.S. instructor pilots, two of them who have been working with that training program. They are only permitted to operate in a training mode in a training area. They are not permitted to go on operations.

While it is true that the pilots in some of the seats of some of those helicopters are contract pilots, they are not U.S. citizens. They are Colombians. They are Colombians who are hired out of the private economy, because the Colombian Army did not have and does not currently have sufficient pilots to man those cockpits. Rather than wait for the time that would be necessary in order to train those pilots and make them proficient in those cockpits, we went out on the civilian economy and found people who had that experience, and they are in those cockpits.

They have been instructed, yes, by INL, but it has been coordinated—the program of instruction has been coordinated with the U.S. military, and that is who is actually out there flying the operational missions, not U.S. people.

Mr. SOUDER. So you are saying they are not U.S. Government people. Can the Colombian private sector contract with American nationals?

Mr. BEERS. I don't know the answer to that, sir, but we are controlling that contract, and I am telling you how that contract is being controlled.

Mr. SOUDER. When the helicopter was shot down and the helicopter went in to rescue them, our understanding was that those were U.S. pilots, not necessarily government, but U.S. nationals.

Mr. BEERS. There are a mix of helicopters that go on every mission that is flown with respect to eradication. And with respect to

the individual helicopter which went in to pick up the pilot and crew from the first helicopter, the first helicopter that went in was manned entirely by Colombian National Police and extracted the pilot, the one who was injured, and some of the crew.

The second helicopter that went in was an aircraft that had two medical rescue personnel on it who were private U.S. citizens, and I believe one of the pilots in that aircraft was a U.S. citizen contract pilot.

By and large, with respect to the way that the operations are run overall, Colombian operations of the Colombian National Police which have heretofore, until we got to this operation, essentially been focused entirely upon the opium and poppy effort have been entirely Colombian operations.

The coca operations have included U.S. individuals flying some, but not all, of the spray airplanes all the time and some, but not all, of the accompanying aircraft. That is, the helicopters that provide gunship support and they provide search and rescue support have been piloted by or copiloted by a contract employee who is a U.S. citizen.

The rescue personnel for this part of the operation have been up to this point U.S. citizens. The Colombians have their own rescue capability, which they use in association with their activities.

So that, on a day-to-day basis, there are some U.S. citizens who are flying some of those support helicopters, but it is not a U.S. operation entirely. None of the armament is manned by U.S. citizens, and none of the orders for any of the arms to fire are made by U.S. citizens. That is entirely a Colombian National decision chain, and the operations are in every instance commanded overall by Colombians.

Mr. SOUDER. I appreciate that clarity for the record.

I think it is safe to say that in working between the State Department, the Defense Department anyway we can make—move that toward to a 100 percent Colombian operation, whether it is through the military, the State Department, the Guard or whoever does the training. That is certainly going to be a combined goal of the U.S. Congress.

We do not need the West Wing scenario that was on TV to occur or you will have a political backlash in this whole operation.

This is a country that is a 200-year democracy. It is not like Vietnam. They have a military and a national police. They have been flooded with narcodollars threatening their country. But to the degree that a portion of the program becomes critical—I am not criticizing how you got to the point where you are now, because we escalated the effort and they are not trainees, but to make sure that component is a priority in the mix is very important in this package plan, because Americans do not like to hear about Americans being on the ground even if they are not shooting the gun but being put at risk.

Mr. BEERS. Yes, sir, and that is our objective. I appreciate your indulgence in understanding how we got here. But that is our objective. And at a meeting of our air wing, which I had just this week, I stressed that point again. It is our objective that those—the individuals, certainly, that are on operational missions be Colombian.

We will be working with the Colombians in areas for some time to come, because of the interface between our logistical system in terms of getting things to them and their acceptance of that and maintaining of this equipment. So between ourselves and the Department of Defense contracts and personnel, we will have a presence there. But it is our objective to reduce that to the absolute minimum.

Mr. SOUDER. Also, in the parts question that we discussed earlier, as to who is in charge and how that gets done, clearly, we do not want to have—almost every military operation in American history, the parts supply and support mechanisms are the vital lifeline in whether or not a project is going to be successful. And we can't just have the helicopters and $300 million in legal building and human rights building and not have the supply mechanism in place.

We understand that this was a quick rampup and acceleration, but those questions do need to be focused on. Certainly, it will be followed up in the future.

Mr. BEERS. We are fully committed to that, sir.

Mr. SOUDER. I also want to make sure that in the budget proposal and in the operational execution, some of which wouldn't be in a budget proposal, that intelligence operations are sufficient. Otherwise, we wind up looking for needles in haystacks, and that includes the internal decisions on where to put the AWACS. If we are putting $50 million to $60 million up in the Netherlands Antilles and over in Manta for facilities for AWACS, we need to make sure we have AWACS there, or this is an incredible waste of American taxpayer dollars.

We heard constantly that while we had Rather coverage and others in the northern part, there is some concern about East-West and to make sure that gets in our mix if there needs to be additional intelligence capabilities.

General Pace, and then Mr. Marshal.

General PACE. Mr. Chairman, thank you very much for the opportunity to respond to that. I will provide to the committee the information on the AWACS. But, just as you know, there are other airframes that utilize those airfields. It is not just AWACS specific. It is P3 airplanes and many other types of airplanes that collectively assist us. So I will get the data about the AWACS to you, but there is much more to it than that, as you know, sir.

Mr. SOUDER. Yes. I believe that—each location, however—the runway length and the hanger capacity was costing more because we assumed there would be AWACS there and additional people.

General PACE. That is true.

Mr. SOUDER. Mr. Marshall.

Mr. MARSHAL. If I can followup on your intelligence comments, I would like to point out in my earlier answer I said there were several iterations of requests for DEA resources, but in the final analysis, when we got down to the final push for our request in Plan Colombia, all of our requests in connection with Plan Colombia were intelligence-related. And, if I may, I will submit a detailed itemized listing of those for the record.

[The information referred to follows:]

AWACS aircraft and aircrews operating in the SOUTHCOM area of responsibility over the last year have staged at MacDill Air Force Base in Tampa, Florida and at our Forward Operating Location on the island of Curacao, Netherlands Antilles.

Since January 2000, we have tasked the AWACS to operate in both the source and the transit zones. AWACS flew 97 missions in the transit zone for 888.6 flight hours. It located 20,206 aircraft and assisted in tracking 8 suspected drug smuggling aircraft. The AWACS flew 77 missions in the source zone for 778.4 flight hours. It located 14,784 aircraft and assisted in tracking 5 suspected drug smuggling aircraft.

Mr. SOUDER. Well, thank you all very much for rearranging your schedules on short notice to come today.

Also, for the record, Ms. Schakowsky asked to put her schedule into the record of where she was in Colombia. And while Mr. Mica did not get specific, she, in fact, did not meet with any of the leftist guerillas, and I think the record should show that.

With that, the hearing stands adjourned.

[Whereupon, at 11:41 a.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

Segments from the official transcript of the hearing on "The Crisis in Colombia: What Are We Facing?"

Tuesday; February 15, 2000 10:00am

CONGRESSWOMAN MINK: Which Paramilitary Groups are involved in drug trade?

Mr. WILLIAM LEDWITH: I would be happy to respond to you ma'am in a more private opportunity, if we may, with that information.

MINK: The reason for my inquiry there is that we did submit five questions to the DEA for responses after the August hearing, and we have not yet received a reply. So I was going to interject those same questions into the record so I might get an understanding that those questions which were submitted to you in August would in fact be responded to me here in the record for the record or my office directly. I would certainly appreciate it.

LEDWITH: I'm very sorry to hear you were not given an appropriate response. I can assure you that you will be.

CONGRESSMAN MICA: If I may follow up, can you testify before us that there is any right wing paramilitary efforts being supported by drug trafficking?

LEDWITH: We have information that would indicate that certain paramilitary elements are deriving income from extortion of drug trafficking activities, yes, sir.

MICA: Thank you

MINK: I'm not through, but I'll yield my time.

MICA:

11/13/00 11:16 FAX 202 225 4987 MINK 003
11/08/00 13:12 FAX 002

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Congress of the United States
House of Representatives
Washington, DC 20515-1102

August 20, 1999

COMMITTEE ON EDUCATION AND THE WORKFORCE
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THE HONORABLE JOHN L. MICA, CHAIR
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY & HUMAN RESOURCES
B373 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON DC 20515

Dear Mr. Chairman:

Carlos Salinas, Advocacy Director of Latin America and the Caribbean Amnesty International USA, sent the enclosed questions to my office.

Please include this letter in the official record of the Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources hearing entitled "The Narcotics Threat from Colombia," held on August 6, 1999.

Thank you for your assistance in this matter.

Very truly yours,

Patsy T. Mink

PATSY T. MINK
Member of Congress

PRINTED ON RECYCLED PAPER

12 August 1999

Via facsimile

Dear Congresswoman Mink,

I would like to ask you to raise a few questions for the record of the August 6 hearing on Colombia by the Government Reform and Oversight Subcommittee on Criminal Justice, Drug Policy and Human Resources. Chairman Mica stated that he would keep the record open for three weeks, for documents and questions.

As the policy on Colombia is centered on combating the scourge of narcotrafficking, it is important that the components of this problem be examined. The hearing focused a great deal on the involvement of the armed opposition groups in this illegal and harmful business. Yet the Drug Enforcement Administration in its presentation stated that paramilitary groups were also involved in the drug trade. However there was scant mention or discussion of what should be done about them! This is troubling since the paramilitary groups are allies of the Colombian security forces. Yet the policy discussion implies that these security forces would receive a substantial increase in US aid!

So I hope you can ask the following questions for the record of the DEA:

1. Which paramilitary groups are involved in the drug trade?
2. What is the extent of involvement of each of these paramilitary groups in the drug trade?
3. How much money do each of the paramilitary groups earn from the drug trade?
4. What is the Colombian Army doing to combat the paramilitary groups?
5. Have there been any armed confrontations between the Colombian Army and the paramilitary groups in the past two years, and if so, when and where?

Our main interest in the paramilitary groups stems from the fact that these groups are responsible for the overwhelming number of atrocities in this dirty Colombian war. And yet they carry out their atrocities unimpeded by the Colombian security forces. Since the policy direction is to increase the capacity of the Colombian state to confront the allies of the narcotraffickers, it is puzzling why no one mentions the fact that the key ally of the Colombian security forces is also involved in the drug trade.

To help the Colombian Army is to help the paramilitaries. We hope you can help achieve clarity on the part of the Administration about this central fact.

Sincerely,

Carlos M. Salinas
Advocacy Director
Latin America and the Caribbean

Subcommittee on Criminal Justice,
Drug Policy, and Human Resources
Hearing March 2, 2001
Colombia Hearing

1.

Q. What countries are most susceptible to the likely spillover effect by the effective implementation of Plan Colombia? What is the Defense Department doing to prevent and/or mitigate the effects of this spillover? (This issue was also addressed to US Southern Command as question 2.)

A. "Spillover effects" will likely have regional implications and therefore not be limited to a select country or two. In response to potential spillover effects, the Department of Defense is participating in a State led interagency group to develop a broader, government-wide initiative for the Andean region.

Subcommittee on Criminal Justice,
Drug Policy, and Human Resources
Hearing March 2, 2001
Colombia Hearing

2.

Q. Please provide an update of the 506(a) drawdown support that the United States has provided over the last several years. What are the procedures/systems that do not allow DOD to provide 506(a) draw down equipment in a timely manner?

A.

DoD provided $19.035M in FY98 and $34.525 in FY99 under drawdown. Many items requested were either not in stock or could not be provided without impacting DoD readiness. The chart below shows dollar values for FY98 and FY99 drawdowns for Colombia. Partial and pending deliveries are items DoD is still working to provide. These items have been delayed due to changing requirements by the receiving country or temporary non-availability in the DoD supply system. Delays in delivery of on-hand equipment have been caused by a number of different factors including: delayed receipt of end use assurances from the country (in the FY99 506(a)(2), Colombia took 4 months to sign end use assurances after the Presidential Determination was issued); the requirement to locate, inspect, inventory, spare/stock and possibly refurbish the equipment prior to shipping; coordination of transportation for equipment deliveries; availability of training slots in the case of training; availability of personnel to staff mobile training teams (MTTs); ability of the receiving country to arrange for receipt and integration into their inventory; ability of the country to transport the material once received to its destination of use; availability of students to fill training slots when offered; vetting of those students for human rights abuses as required under U.S. law; availability of MILDEP personnel to work issues relating to drawdowns (requires use of existing infrastructure, as 506 precludes new contracting. Thus, DoD must perform the above tasks using personnel that are already fully occupied).

COLOMBIA FY and PD	PD AUTHORIZED (EXORD)	COMPLETED DELIVERY	PARTIAL / PENDING DELIVERY	TOTAL DELIVERIES REPORTED	UNUSED AUTHORITY
FY98 PD98-41	$ 39,824,300.00	$ 17,747,582.22	$ 1,288,051.96	$ 19,035,634.18	$ 20,788,665.82
FY99 PD99-43	$ 55,866,000.00	$ 23,246,543.55	$ 11,278,465.32	$ 34,525,008.87	$ 21,340,991.13
TOTAL	$ 95,690,300.00	$ 40,994,125.77	$ 12,566,517.28	$ 53,560,643.05	$ 42,129,656.95

Subcommittee on Criminal Justice,
Drug Policy, and Human Resources
Hearing March 2, 2001
Colombia Hearing

3.

Q. The. GAO has reported numerous past logistical problems with equipment delivery. What is being done to ensure the timely arrival of future aid and equipment?

A.

DoD provides equipment and services to satisfy drawdown requirements under guidance not-to-impact-US-warfighting-readiness. Further, numerous restrictions in the 506 legislation narrow the scope of support DoD can provide. For example, no new contracting is allowed. Because much of the equipment repair and refurbishment of DoD equipment is now done using contractor support (versus organic support as was the case during the cold war), much of the equipment that might be available for drawdown cannot be provided as it is in need of repair, cannot be provided until repaired, and cannot be provided under the no-new-contracting-law. Transportation is another factor. DoD must either wait for opportune airlift going to a region and try to get drawdown equipment aboard or hire commercial transportation (the only "new contracting" action allowed under the law). Opportune lift places items in jeopardy as they may become lost, tied up in customs or never married-up with the supporting equipment. Commercial transportation can only be used if cheaper than US Military lift, which requires an analysis of contractor bids and lengthy staffing decisions prior to execution. Once approved, contracts must be let and consolidated shipment ports established in order to make maximum use of this lift. Finally, upon arrival, there is still the risk the cargo will be tied up in customs, lost, left in storage because there is no in-country transportation available due to organic equipment available or unsafe conditions along lines of movement. Recently, Defense Security Cooperation Agency has worked with MILDEP, US MILGRP, and host country representatives to minimize the problems encountered in the identification and transportation of drawdown equipment. This effort includes providing advance copies of shipping forms to host nation customs offices and full time, dedicated management to oversee consolidation and delivery. Also, DoD has assigned 180 day temporary duty logistics personnel from the services to assist with in-country activities.

Subcommittee on Criminal Justice,
Drug Policy, and Human Resources
Hearing March 2, 2001
Colombia Hearing

4.

Q. What is the Defense Department doing to ensure U.S. provided helicopters are safe from hostile ground fire? Has our government accounted for the real possibility that the narco-guerrillas have surface-to-air missiles? Have U.S. provided helicopters been outfitted with *adequate* self-defense systems to defeat the threat (including surface-to-air missiles)? With regard to helicopter shootdowns, what is the probable attrition rate? What is acceptable?

A. This question will be addressed by US Southern Command.

Subcommittee on Criminal Justice,
Drug Policy, and Human Resources
Hearing March 2, 2001
Colombia Hearing

5.

Q. Does the Defense Department anticipate additional resources will be required to effectively carry out Plan Colombia? Will the new Administration be seeking additional funds in the FY-02 budget request or in a Supplemental Spending request? Can you give the Subcommittee a ballpark funding estimate for Plan Colombia for FY02? What about for the rest of the region?

A. The Department's counterdrug program, like many programs, is under review by the Secretary. I am not in a position to speak for the administration nor the Department, at this time, on future budget requirements. However, as a general practice, those funding requirements that are identified during the normal Department budgeting process will likely be requested as a part of the annual submission.

Subcommittee on Criminal Justice,
Drug Policy, and Human Resources
Hearing March 2, 2001
Colombia Hearing

6.

Q. Is the Plan Colombia goal of 50% reduction over the next six years attainable? What is our strategy if the counternarcotics portion of Plan Colombia is successful? What if it fails? (This issue was also addressed to US Southern Command as question 5.)

A. While the interagency and the Department frequently review Colombia's progress towards this goal, it would be premature to speculate on what results will be achieved over the next several years. However initial indication, based on the spraying conducted since December, has proved to be very positive. As with any program, continual review and assessment will be required to plan future efforts based on the success or failure of the current program.

Subcommittee on Criminal Justice,
Drug Policy, and Human Resources
Hearing March 2, 2001
Colombia Hearing

7.

Q. Are there any signs of the relocation of narcotics activity within Colombia or to neighboring countries due to the implementation of Plan Colombia? What is the Defense Department's reaction to increasing prices for coca in Peru?

A. This question will be addressed by US Southern Command.

Subcommittee on Criminal Justice,
Drug Policy, and Human Resources
Hearing March 2, 2001
Colombia Hearing

8.

Q. Ecuador has all but lost complete control of their northern border with Colombia to the FARC. What is the Defense Department doing to help stop the FARC's increased presence in Ecuador? (This issue was also addressed to US Southern Command as question 7.)

A. The regional implications of *Plan Colombia* are of significant concern to the Department. For this reason, the Department of Defense is participating in a State led interagency group to develop a broader, government wide initiative for the Andean region which will directly address security concerns throughout the region.

Subcommittee on Criminal Justice,
Drug Policy, and Human Resources
Hearing March 2, 2001
Colombia Hearing

9.

Q. Given the fact that millions of U.S. dollars are being spent to ready the FOL's, is the Defense Department willing to send more that one AWAC's plane to the region in accordance with SOUTHCOM's stated requirement for two AWAC's?

A. The counterdrug execution order, approved by the Secretary of Defense on October 18, 2000, allocates sufficient numbers of aircraft to warrant the development of the FOLs. The completion of the full spectrum of upgrades at the FOLs will significantly increase the effectiveness and flexibility of our airborne counterdrug resources in the South American source zone and, as such, remains critical to our national drug control strategy. With respect to individual aircraft, resources will continue to be deployed in response to world-wide requirements, which are balanced against the threat in each region. As such, I am not in a position to speculate how those demands will impact future counterdrug deployments.

Subcommittee on Criminal Justice,
Drug Policy, and Human Resources
Hearing March 2, 2001
Colombia Hearing

10.

Q. When can we expect to have sufficient Blackhawk helicopter pilots trained to fly the 2 Blackhawk helicopters being delivered to the CNP and the 14 Blackhawk helicopters being delivered to the Colombian Army? (This issue was originally addressed to US Southern Command as question 4.)

A. The Defense Security Cooperation Agency is managing the training programs associated with the helicopters being provided to the Colombian military. The Department of Defense is funding this program with appropriations from the 2000 Emergency Supplemental Appropriations, as noted in the February 9, 2001, letter from OSD Deputy Comptroller to the chairmen of the Appropriations Committees. Colombian pilots are currently undergoing helicopter training at Fort Rucker. While some of the details of this training program are still being worked out, the objective is to ensure that the Colombian military will be able to operate and maintain these helicopters when they are delivered. We believe this is achievable.

The Colombian National Police will provide training for all their personnel associated with the helicopters provided by supplemental funding.

Question for the Record Submitted to
INL Assistant Secretary Rand Beers
By Congressman Mark Souder
Before the
Criminal Justice, Drug Policy,
And Human Resources Subcommittee
Of the
House Committee on Government Reform
March 2, 2001

Question 1

Is the Government of Colombia capable of absorbing all of the helicopters the U.S. is sending down to Colombia in support of Plan Colombia? Is there a difference between the absorptive capacity of the Colombian National Police (CNP) and the Colombian Military?

Answer

We believe the Government of Colombia is capable of absorbing the helicopters provided by the U.S., but there are numerous challenges considering the large number of helicopters involved. The appropriate GOC agencies and their U.S. counterparts are working to overcome them. The Colombian Army must train a large number pilots and mechanics. Department of Defense is working hard to develop options for meeting the Initial Entry Rotary Wing (IERW) and aircraft specific training requirements associated with that group of helicopters.

The Colombian National Police (CNP) is more immediately prepared to absorb their additional helicopters since they are already operating Huey-II helicopters and the total number of new helicopters they are receiving is smaller than that of the Colombian military. However, the CNP is by no means capable of

absorbing the larger numbers that are programmed for the Colombian military. That is, if the Huey-IIs bound for the Army were diverted to the CNP, the CNP would suddenly find itself with a severe pilot shortage that would have to be addressed in a manner similar to what we are facing with the military.

Question for the Record Submitted to
INL Assistant Secretary Rand Beers
By Congressman Mark Souder
Before the
Criminal Justice, Drug Policy,
And Human Resources Subcommittee
Of the
House Committee on Government Reform
March 2, 2001

Question 2

Why was the very successful opium poppy eradication being conducted by the CNP scaled way back in order to make the push into southern Colombia to eradicate coca? Who made the decision? Doesn't it make sense to keep the pressure up and eradicate the last remaining hectares of opium poppy in Colombia and show quick, positive results from Plan Colombia than totally shift our focus to coca, which will take years to produce similar results?

Answer

The Government of Colombia decision to commence spray operations in Putumayo and Caqueta in southern Colombia has been a key component of Plan Colombia from its inception. U.S. counternarcotics policy in Colombia under Plan Colombia has been in the planning stages for many months, and the joint U.S.-GOC plan to initially focus aerial coca eradication in Putumayo (center of gravity) has been clearly presented to Congress in numerous briefings and hearings. The onset of the dry season in Putumayo in December dictated that the spraying either begin during that time frame, or leave the GOP to face a delay of months in the initiation of extensive spraying there. Some 75% or more of the world's coca crop is estimated to be of Colombian

origin. Of that, a significant amount is concentrated in Putumayo and Caqueta Departments. Opium poppy eradication has not been abandoned, however, as the GOC plans to re-initiate aerial opium poppy eradication in the next two months. It is our understanding also that the GOC intends to continue pursuing the kind of successes registered heretofore in southern Colombia.

Question for the Record Submitted to
INL Assistant Secretary Rand Beers
By Congressman Mark Souder
Before the
Criminal Justice, Drug Policy,
And Human Resources Subcommittee
Of the
House Committee on Government Reform
March 2, 2001

Question 3

In the past, the FARC guerrilla group has shut down all of the roads into the Putumayo coca-growing area, blocking supply lines for fuel and herbicide. How do we intend to get fuel and herbicide into that area in the future to continue eradication operations? Are the any plans to increase the number and availability of fuel and re-supply planes?

Answer

We have faced no insurmountable hurdles in introducing supplies into the area. Counternarcotics operations there are adequately supported through airlift resources maintained by the GOC and INL. These resources include C-130, C-27 and smaller aircraft. To supplement this capability, INL recently secured an additional C-130 aircraft. Together with the GOC we are looking at the best way to meet future airlift supply needs within available resources.

Question for the Record Submitted to
INL Assistant Secretary Rand Beers
By Congressman Mark Souder
Before the
Criminal Justice, Drug Policy,
And Human Resources Subcommittee
Of the
House Committee on Government Reform
March 2, 2001

Question 4

What assurances has the State Department been given that the Black Hawk helicopters for the CNP and the Colombian Army will be delivered (on schedule) later this year? When will the delivery schedule for the Huey-IIs be developed?

Answer

The Defense Security Cooperation Agency and Sikorsky continue to assure the Department that deliveries will be made on schedule in accordance with the contract. Four of the CNP Huey-IIs should be completed by late summer, and the remaining aircraft are being modified in country by the CNP. A projected delivery schedule for the first twenty Huey-IIs for the Colombian Army should be forthcoming in the next several weeks.

Question for the Record Submitted to
INL Assistant Secretary Rand Beers
By Congressman Mark Souder
Before the
Criminal Justice, Drug Policy,
And Human Resources Subcommittee
Of the
House Committee on Government Reform
March 2, 2001

Question 5

It is our understanding that many of the U.S. provided CNP Blackhawk helicopters are grounded due to a lack of spare parts. What is the Blackhawk operational readiness availability for the last year? What is your understanding of spare parts situation for the CNP Blackhawk helicopters? What is State Department doing to improve this situation?

Answer

The CNP BlackHawk helicopters operational readiness availability for CY 2000 was 78%. We understand the parts issue as the CNP requires training in properly ordering spare parts through the FMS and commercial system. The State Department is currently negotiating a Letter of Agreement (LOA) between the U.S. Government and the Government of Colombia (CNP). This LOA will serve as the guiding document between the Embassy and the CNP and covers $115 million, including spare parts for the entire police air services. Additionally, when INL procured the six CNP Blackhawks, these aircraft came with $4.5M in spares plus two spare engines (@ $600K each). Parts and repair support are part of an INL-financed contract for contractor logistic support that has been in place since last year.

Question for the Record Submitted to
INL Assistant Secretary Rand Beers
By Congressman Mark Souder
Before the
Criminal Justice, Drug Policy,
And Human Resources Subcommittee
Of the
House Committee on Government Reform
March 2, 2001

Question 6

What is State Department doing to ensure U.S. provided helicopters are safe from hostile ground fire? Has our government accounted for the real possibility that the narco-guerillas have surface-to-air missiles? Have U.S. provided helicopters been outfitted with adequate self-defense systems to defeat the threat (including surface-to-air missiles)? With regard to helicopter shootdowns, what is the probable attrition rate? What is acceptable?

Answer

The State Department has relied upon the best military advice of U.S. Southern Command regarding the configuration of helicopters being provided to Colombia. Black Hawks being provided to the CNP and COLAR under Plan Colombia are being outfitted with AN/ALQ-144 IR countermeasures and M-130 flare/chaff dispensers for protection against missiles. Huey-IIs being provided under Plan Colombia will be equipped with passive IR protective equipment. With regard to helicopter shootdowns, the Department has no projections regarding "probable" or "acceptable" attrition rates. Colombian Police and Army units will perform their own risk assessments in employing these helicopters.

Unfortunately, given the nature of this kind of combat mission, there is ultimately no foolproof way to guard against the possibility of an aircraft's being hit by enemy ground fire and/or shot down.

Question for the Record Submitted to
INL Assistant Secretary Rand Beers
By Congressman Mark Souder
Before the
Criminal Justice, Drug Policy,
And Human Resources Subcommittee
Of the
House Committee on Government Reform
March 2, 2001

Question 7

Does the State Department anticipate additional resources will be required to effectively carry out Plan Colombia? Will the new Administration be seeking additional funds in the FY02 budget request or in a Supplemental Spending request? Can you give the Subcommittee a ballpark funding estimate for Plan Colombia for FY02? What about the region?

Answer

Yes. The FY 2002 proposed regional initiative, which complements Plan Colombia, is intended to provide alternative sources of licit income for drug crop communities, local government rebuilding, democratic reform, and support for military and police counternarcotics efforts, in the Andean region. In Colombia, the proposed interdiction effort is to be funded at $252 million, and alternative development, institution building and other programs will be another $147 million, for a total of $399 million. Of the $731 million for the initiative, $332 million will go to the other nations in the region.

Question for the Record Submitted to
INL Assistant Secretary Rand Beers
By Congressman Mark Souder
Before the
Criminal Justice, Drug Policy,
And Human Resources Subcommittee
Of the
House Committee on Government Reform
March 2, 2001

Question 8

Is the Plan Colombia goal of 50% reduction over the next six years attainable? What is our strategy if the counternarcotics portion of Plan Colombia is successful? What if it fails?

Answer

Yes. Upon successful completion of the counternarcotics portion of Plan Colombia, the U.S. strategy is to continue assisting the Government of Colombia strengthening; establishing central government presence in rural areas to provide jobs and services to the rural poor; assist the justice system in becoming more accessible to the majority of Colombians and reducing judicial impunity; improve respect for human rights and develop legal employment opportunities to absorb the more than 20 percent of the population that is unemployed.

The USG is dedicated to ensuring Plan Colombia does not fail. Failure would mean the potential for more drugs on American streets.

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Question 9

Alternative development programs are working in Bolivia and Peru because those countries have a rule of law. How can we expect alternative development to work in Colombia when there is "no rule of law" in the southern region of the country?

Answer

In Bolivia and Peru, a three-pronged strategy of effective law enforcement, interdiction, and alternative development was successful in dramatically reducing the coca cultivation. In Colombia the same three-pronged strategy is being implemented, albeit within a rule of law enforcement that is far from ideal, not withstanding the Colombian situation. Alternative development is an essential part of Colombia's efforts to achieve peace, strengthen democracy, and deal with the drug problem. The social program is part of a balanced, comprehensive strategy that responds to the wide range of problems that face Colombia. These problems cannot be addressed in isolation, but must be looked at in a comprehensive fashion.

Question for the Record Submitted to
INL Assistant Secretary Rand Beers
By Congressman Mark Souder
Before the
Criminal Justice, Drug Policy,
And Human Resources Subcommittee
Of the
House Committee on Government Reform
March 2, 2001

Question 10

Are there any signs of the relocation of narcotics activity within Colombia or to neighboring countries due to the implementation of Plan Colombia? What is the State Department's reaction to increasing prices for coca in Peru?

Answer

Efforts to start or expand illicit cultivation have been detected in other areas of Colombia, but this activity is part of an already existing trend of expanded cultivation. In fact, because coca takes eighteen months to two years to reach maturity, these efforts would have been begun before Plan Colombia was proposed.

Similarly, there are signs of efforts to re-establish cultivation previously abandoned in Peru, but again, there is no evidence that this is in response to the current Colombian effort. The illegal narcotics industry is highly profitable and, without strong disincentives, it is reasonable to expect attempts by current traffickers to expand their operations and by new entrepreneurs to enter their arena. We are indeed concerned over rising coca prices in some sectors of Peru and

are working to help the GOP reaffirm and strengthen its program of denial of access to the air bridge.

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INL Assistant Secretary Rand Beers
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March 2, 2001

Question 11

Ecuador has all but lost complete control of their northern border with Colombia to the FARC. What is the U.S. doing to help stop the FARC's increased presence in Ecuador?

Answer

We share the Government of Ecuador's concern with the situation along its border with Colombia. Certainly, much of that border is sparsely populated and often covered with thick vegetation and is therefore not tightly controlled. It is well known that the Revolutionary Armed Forces of Colombia (FARC) and others from Colombia have long used northern Ecuador as a source of supplies and a location for rest and relaxation (R&R). We are in discussions with the Government of Ecuador about how the USG can best assist Ecuador deal with the challenge.

Question for the Record Submitted to
INL Assistant Secretary Rand Beers
By Congressman Mark Souder
Before the
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And Human Resources Subcommittee
Of the
House Committee on Government Reform
March 2, 2001

Question 12

What is the status of U.S. extradition requests? Have any major drug kingpins been extradited in the last couple of years?

Answer

Since the Colombian Constitution was amended in December 1997 to allow for extradition of Colombian nationals, the Government of Colombia has demonstrated a renewed commitment to extraditing Colombian nationals to the United States. Since 1997, thirteen Colombia nationals have been extradited to face drug trafficking offenses committed in the United States. Among those extradited were several highly significant drug traffickers including Luis Alberto Orlandez-Gamboa, a/k/a "Carocol," Jorge Eliecer Asparrilla-Perea, and Carlos Omar Tamayo. Orlandez-Gamboa was purported head of the Caribbean Coast Cartel, a violent organization responsible for the organization known as "Los Niches Cartel,"which moved large quantities of cocaine destined for the United States. Tamayo was a United States-based manager in a high-level Medellin-based cocaine distribution ring

believed to have distributed more than 70,000 kilograms of cocaine during the 1990's.

As of December 31,2000 the United states has requested the extradition of another 58 Colombian nationals, all currently in custody in Colombia, the vast majority of whom are wanted in the United States for narcotrafficking offenses. Included in that number are 28 members of the Alejandro Bernal-Madrigal,a/k/a "Juvenal," narcotics traffiking organization, target of the highly successful United States/Colombia investigation know as Operation Millennium. Veteran narcotics-trafficker Fabio Ochoa-Vasquez is among the Millennium defendants pending extradition.

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INL Assistant Secretary Rand Beers
By Congressman Mark Souder
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Question 13

The GAO and the State Department IG have reported numerous past logistical problems with equipment delivery. What is being done to ensure the timely arrival of future aid and equipment? Who is the main point person for the U.S. effort to get promised U.S. aid to Colombia?

Answer

Deliveries are on track. There were errors in the past but these have been corrected. To assist in tracking the diverse U.S assistance to Plan Colombia, agencies have developed tracking systems that highlight key actions. Such systems allow us to track the status of training and equipping of the Colombian Army (COLAR) counternarcotics battalions, helicopters, communications, infrastructure, weapons and ammunition, radar, refurbished interceptor aircraft, and spare parts, as well as continued support for the Colombian National Police (CNP), including spray aircraft, helicopters, communications and equipment.

The single point of contact to ensure that Plan Colombia programs are on track is Assistant Secretary Of State for International Narcotics and Law Enforcement Affairs, Rand Beers.

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QUESTION FOR THE RECORD
HOUSE GOVERNMENT REFORM COMMITTEE
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES
PLAN COLOMBIA
MARCH 2, 2001
QUESTION #1

RELATIONSHIP BETWEEN U.S. SOUTHERN COMMAND AND AMERICAN EMBASSY BOGOTA

Mr. Souder: Can you describe the relationship between the U.S. Southern Command and the American Embassy in Bogota? What is SOUTHCOM's relationship with the Narcotics Affairs Section (NAS) and the MILGROUP in Bogota?

General Pace: The U.S. Southern Command has an excellent working relationship with the American Embassy in Bogota. We coordinate closely on many issues, especially on the funding provided to assist Colombia. Ambassador Patterson is responsible for all U.S. activities in Colombia, while USSOUTHCOM coordinates U.S. military activities in support of the country team's efforts.

The MILGROUP in Bogota is a small military organization that is subordinate to USSOUTHCOM. The MILGROUP does not have a formal command relationship with the American Embassy, but operates in support of the Ambassador's policies, programs, and procedures. The MILGROUP must coordinate with and receive approval from the Ambassador for U.S. military activities conducted in Colombia.

USSOUTHCOM works cooperatively with the Narcotics Affairs Section, but a command relationship does not exist between the two. We coordinate routinely with the Narcotics Affairs Section on matters involving the Counternarcotics Brigade, helicopters, and force protection.

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QUESTION FOR THE RECORD
HOUSE GOVERNMENT REFORM COMMITTEE
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES
PLAN COLOMBIA
MARCH 2, 2001
QUESTION #3

BLACKHAWKS

Mr. Souder: We are told that the Colombian Army plans on putting the Blackhawk helicopters in Larandia, Colombia. Currently, there are no facilities (i.e. hangar) to house the Blackhawks in Larandia. Will hangar facilities be built to house the Blackhawks? If, so, when? If not, why not?

General Pace: The Colombian Army's concept for helicopter infrastructure support is for UH-60L Blackhawks to be based and maintained at Tolemaida, Colombia. Currently, support facilities, to include a maintenance hangar, are under construction and will be completed prior to the arrival of the first aircraft. The Blackhawks will then be forward deployed to Larandia and other locations as necessary to support Counternarcotics Brigade operations. Additional support facilities, including a hangar, maintenance shop, operations building, and landing/parking pads, will be constructed to augment the existing helicopter base at Larandia. These facilities have been designed to accommodate all three helicopter models (UH-60L, UH-1N, Huey II) provided in the Plan Colombia Supplemental Appropriation. Construction is scheduled to begin in April 2001. We anticipate that the bulk of the facilities at Larandia will be completed by December 2001, and that the hangar will be completed by April 2002.

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QUESTION FOR THE RECORD
HOUSE GOVERNMENT REFORM COMMITTEE
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES
PLAN COLOMBIA
MARCH 2, 2001
QUESTION #6

Relocation of Narcotics Activity Within Colombia

Mr. Souder: Are there any signs of the relocation of narcotics activity within Colombia or to neighboring countries due to the implementation of Plan Colombia? What is your reaction to increasing prices for coca in Peru?

General Pace: We have not seen a significant change in narcotics activity within Colombia or a movement of coca cultivation and cocaine processing to neighboring countries due to the implementation of Plan Colombia. The Ecuadorians have discovered the first-ever coca cultivation field in Carchi Province. The field was less than six months old and within walking distance of the Colombian border. Ecuador also dismantled a six-month old cocaine HCl laboratory operated by Colombians. In Peru, there is an increase in coca cultivation in the El Estrecho border area and evidence of increased Colombian influence in poppy cultivation and provision of seeds. We cannot, however, definitely link this activity to the implementation of Plan Colombia.

Supply and demand drive coca prices in Peru and elsewhere. A number of factors such as interdiction, alternative development, and eradication have diminished the supply of coca in Peru. Demand has increased due to new markets in Asia and Latin America.

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QUESTION FOR THE RECORD
HOUSE GOVERNMENT REFORM COMMITTEE
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES
PLAN COLOMBIA
MARCH 2, 2001
QUESTION #8

Joint Task Force Bravo's Mission

Mr. Souder: Please describe the mission of Joint Task Force (JTF) Bravo. What role does JTF Bravo play in supporting Plan Colombia? Is it possible to reallocate/deploy existing JTF Bravo assets to more directly address the drug threat out of Colombia?

General Pace: JTF-Bravo's mission is to enhance regional cooperative security in Central America through forward presence and peacetime engagement. JTF-Bravo supports U.S. Southern Command in accomplishing our regional goals and objectives in Central America (CENTAM).

JTF-Bravo is not tasked to provide direct support to Plan Colombia. However, JTF-Bravo occasionally provides limited equipment support to U.S. personnel conducting training in Colombia. For example, a fire truck and crew from JTF-Bravo were recently deployed to Larandia to satisfy a USAF safety requirement for support to U.S. military aircraft deploying and redeploying U.S. military personnel.

JTF-Bravo helicopters currently address the drug threat out of Colombia by participating in operations to interdict the flow of drugs through the CENTAM transit zone. During CENTRAL SKIES and CENTRAL SKIES II operations, JTF-Bravo helicopters operate from Soto Cano or forward-deployed sites in Belize, Costa Rica, El Salvador, and Guatemala. JTF-Bravo helicopters transport host nation law enforcement and U.S. DEA personnel in support of pre-planned and short notice counterdrug operations. JTF-Bravo helicopters could be allocated or deployed to Colombia; however, there is no standing requirement or legal mission, other than administrative transport, for U.S. military helicopter support in Colombia.

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PLAN COLOMBIA
MARCH 2, 2001
OSD QUESTION #4

COLOMBIAN MILITARY HELICOPTER CONFIGURATION

Mr. Souder: What is the Defense Department doing to ensure U.S. provided helicopters are safe from hostile ground fire? Has our government accounted for the real possibility that the narco-guerillas have surface-to-air missiles? Have U.S. provided helicopters been outfitted with *adequate* self-defense systems to defeat the threat (including surface-to-air missiles)? With regard to helicopter shootdowns, what is the probable attrition rate? What is acceptable?

General Pace: U.S. Southern Command (USSOUTHCOM) has made recommendations on the mission configuration for U.S. provided helicopters that best meet Colombian operational requirements. The Department of State / International Narcotics and Law Enforcement (DoS/INL) has coordinated and approved a suite of armament and defensive countermeasure systems for the 14 UH-60 Blackhawks authorized in the Colombia Supplemental. For primary armament, the Blackhawks will be equipped with two Mk-44 mini-guns per aircraft, which fire the standard 7.62 millimeter ammunition and have an individual power source requiring no wiring to the aircraft power system. For defensive systems, each Blackhawk will be equipped with the Army-standard M-130 chaff and flare dispenser, an AN/ALQ-144 infrared countermeasure set, and kevlar floor and door armor as well as individual body armor for each crewmember.

DoS/INL has not determined mission configuration for the 25 Huey II's that will be procured with Colombia supplemental funding. The Huey II working group, which consists of representatives from U.S. Southern Command, Colombian Army Aviation, and the Department of State,

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has recommended a proposed mission configuration. For primary armament, the working group has recommended that the Huey II's be equipped with two M-60 machine guns per aircraft, which fire the standard 7.62 millimeter ammunition. For defensive systems, each aircraft should be equipped with kevlar flooring and individual body armor for all crewmembers, and the M-130 chaff dispenser and AN/ALQ-144 infrared countermeasure sets.

The above armament and defensive systems are adequate against the current threat. However, the insurgents can likely afford anything available on the international arms market, possibly including man-portable Surface to Air Missile Systems (SAMS) - the possession of which we cannot confirm. In addition to integrating appropriate countermeasures technology into U.S. provided helicopters, Colombian pilot training will emphasize night and low level flight operations to enhance combat survivability.

Together, countermeasures suites and realistic combat training will provide the Colombian Army pilots adequate self defense, even if operating in a hand-held SAM environment. Though we have no way of accurately predicting the probable attrition rate of U.S. provided helicopters, we assess Colombian forces will be able to operate these aircraft safely and effectively against the current threat.

COLOMBIA HEARING
March 2, 2001
Questions for the Record

Drug Enforcement Administration (DEA)

1. **Part of Plan Colombia's strategy is to disrupt the cocaine production and trafficking supply line from Colombia to the United States. What is DEA's role in Plan Colombia?**

The mission of the Drug Enforcement Administration (DEA) is to identify, dismantle, and disrupt major narcotics trafficking organizations with international implications; specifically those with a connection to the United States (U.S.) To accomplish this mission, DEA relies on traditional law enforcement techniques directed at developing sufficient evidence to warrant criminal prosecution of the highest elements, i.e. Command and Control, of these organizations. In conjunction with this strategy, and as an integral part of the DEA Bogota Country Office (BCO) enforcement effort, DEA provides support to the Colombian National Police (CNP) in planning and conducting operations against major narcotics trafficking organizations.

DEA did not receive any direct appropriations from Plan Colombia. DEA is expected to receive $ 5 million from Justice Sector Reform monies by way of a Reimbursable Agreement with the Department of State. This money will be used to purchase equipment for the CNP that will enhance intelligence and evidence gathering programs in support of the Multi-Lateral Case Initiative. In a second Reimbursable Agreement between DEA and DOJ, DEA will be reimbursed up to one million dollars to defray the cost of equipment purchases and Special Agent travel expenses to investigate and prosecute cases under the Multi-Lateral Case Initiative.

DEA has been developing and promoting a regional strategy in terms of our intelligence gathering and investigative methods employed. Realizing that drug traffickers do not respect borders, and have expanded to transnational drug trafficking, DEA has been instrumental in encouraging the law enforcement agencies within the area to conduct joint investigations and operations across their common borders. DEA will be furthering this strategy throughout the region, having designated "Multi-Regional Investigations and Operations" as the theme of this year's International Drug Law Enforcement Conference (IDEC), held April 3-5, in the Dominican Republic.

DEA, as part of the U.S. mission, will continue to provide support to those other agencies involved in carrying out the elements of Plan Colombia. DEA will continue to maintain close working relationships with the Department of State, Department of Defense, and others, in order to maximize the overall efficiency of U.S. drug strategy.

2. **What kind of cooperation is DEA getting from the Colombian government in conducting or assisting with investigations to bring down the various Colombian organizations responsible for the cultivating, processing and transporting cocaine to the United States?**

The Drug Enforcement Administration (DEA) enjoys an outstanding level of cooperation from the Government of Colombia (GOC) as a whole and in particular the law enforcement community. This is evident in the successful culmination of several multi-national investigations conducted by the Colombian National Police (CNP) and the Departamento Administrativo de Seguridad (DAS) in conjunction with the Bogota Country Office (BCO) and other foreign and domestic DEA offices. In no small part, this high degree of collaboration is directly attributable to the Sensitive Investigative Unit (SIU) program.

It has become standard practice for DEA to share criminal intelligence information with our Colombian counterparts in the SIUs. The SIUs in return supply lead information to DEA, which facilitates investigations in the United States (U.S.) and abroad. This exchange of information between DEA and the CNP, or the DAS, is comparable to the cooperation we have always enjoyed between DEA and state and local law enforcement agencies in the U.S.

Colombian law enforcement officials recognize the threat that powerful and violent drug trafficking organizations pose to the stability of Colombia and the region. They are eager to work with DEA to attack these organizations in Colombia, the region and, in fact, the world.

Of great concern to DEA is the current threat posed to extradition by recent judicial and congressional developments within Colombia. Two Colombian Constitutional Courts have ruled that Colombian authorities must determine if a criminal case in Colombia should be opened against the subject for whom extradition is sought. These decisions raise a potential problem. If Colombian authorities open a case, the extradition could be delayed until the investigation, prosecution, and sentencing of the subject is complete. However, in a Colombian Supreme Court decision made during the week of March 12, 2001, this new requirement will not apply retroactively in cases already pending extradition to the U.S. (in particular, those cases pertaining to the defendants of Operation Millennium.)

3. **How is the nature of the drug threat changed over the last several years in Colombia? Please describe the resurgent maritime threat from Colombian ports**

vice the air threat and the Central American land-bridge threat? Are there adequate U.S. and host nation assets to properly meet this threat?

Since the demise of the infamous Medellin and Cali cartels of the 1980s and 1990s, the drug trafficking organizations in Colombia have undergone a marked change. We are no longer faced with the single head of an "all powerful" cartel who unilaterally manages all aspects of the drug trade. We now have a number of smaller, less clearly defined organizations whose membership and affiliations are more akin to alliances of convenience.

Different persons or groups will provide specific services (such as production, packaging, or transportation) to any number of drug suppliers or distributors. Smaller suppliers or distributors will "pool" cocaine shipments to offset transportation costs and minimize individual loss. Colombian cocaine trafficking organizations have generally become less directly involved in wholesale distribution in the United States leaving the highest risk functions to others such as Mexican or Caribbean based traffickers whom they supply.

Smuggling, by its very nature, follows the path of least resistance. Whatever method involving the least degree of threat by law enforcement, the highest probability of success and still remaining within an acceptable cost will be the preferred course of action.

Although aircraft continue to be used to transport narcotics from Colombia, primarily to the Central Caribbean region, they are not the preferred smuggling vehicles. In FY 2000, of the 196 events reported through JIATF, only eight involved aircraft smuggling efforts. The vast majority involved maritime smuggling operations. The Bogota Country Office (BCO), in coordination with the Colombian Navy and other Colombian agencies, target trafficking organizations smuggling drug shipments via maritime vessels. This coordinated effort has led to ton quantity seizures of drugs in both the Pacific Ocean and the Caribbean Sea.

Central America is utilized as a common transshipment route (land bridge) between Colombia and Mexico. This is due to several reasons, which include that Central American authorities are not equipped with adequate resources to properly interdict drugs. Other reasons include the geographic advantage of the Panamanian Highway, which connects Panama with Mexico. In addition, the poor economic conditions typical of Central American countries provide an avenue to corruption of authorities and the general public.

All of the above listed smuggling methods are and will continue to pose a threat to law enforcement efforts. Failure to adequately address each of the three smuggling avenues will result in increased utilization by drug trafficking organizations to that area or areas which are neglected.

4. Based on DEA's extensive work with the Colombia National Police (CNP) over the years, what has been the effect of the implementation of Plan Colombia on that organization? How would you characterize the evolving relationship between the CNP and the Colombian Military?

The Colombian National Police (CNP) are proud to participate in Plan Colombia. While the majority of the funding in Plan Colombia goes to the Colombian Military, the CNP are pleased to receive the additional funding provided to them from this program. However, the CNP has requested additional funding enhancements to meet the challenges they face in combating international drug trafficking organizations. As the CNP are responsible for all judicial police activity in Colombia, additional funding for equipment such as aircraft, vehicles, communication equipment and force protection items (weapons, training facilities, base construction) have been requested.

The CNP and DEA are pleased to see the Colombian Military take a more active role in combating drug trafficking in Colombia. Particularly the assistance the military is able to provide, such as force protection, by securing areas of operation in regions under insurgent control. The CNP face a tremendous challenge that is posed by insurgent groups in Colombia. The insurgent groups are accumulating vast amounts of wealth from a variety of "parasitic" services such as "taxing" of the drug trade, for protection and authorization to transport drugs through insurgent controlled areas. This money is then used to purchase arms and munitions which further increase the insurgent's capabilities to fight the Colombian government.

The CNP and the Colombian Military have made great strides of working in conjunction with each other over the past few years. However, more improvement is needed in this area. To ensure optimal operational impact and safety, there needs to be closer coordination between the CNP and Colombian Military in the planning and implementation of counter-drug operations.

Better role definition between the CNP and the Colombian Military is needed. The military has the ability to conduct operations over large areas and for extended periods of time. They are also more heavily armed, thus giving them a greater inherent ability to confront units of heavily armed insurgency groups that might be encountered. The Colombian Military however is not a law enforcement agency and do not have arrest powers. They are not trained in the recognition, collection, and preservation of evidence. They do not have the experience of the CNP in conducting criminal investigations and prosecutions. The CNP are law enforcement professionals and unlike the Colombian Military, the CNP have investigative authority and arrest powers. The CNP are familiar with the criminal organizations involved in drug trafficking and are trained in the latest investigative techniques. The CNP conducts counter-drug operations not only to seize drugs and destroy drug laboratories, but also to gather the intelligence information and evidence needed to arrest and prosecute drug traffickers. Together, they can both play an important role in the overall counter-drug strategy. The first step in doing so is by recognizing and respecting each other's strengths and weaknesses. Only then can the forces of both

institutions be brought to bear on organized drug trafficking organizations. DEA supports and encourages both institutions to work together.

washingtonpost.com

For Spying, Bush Needs Friends

By David Ignatius

Friday, May 24, 2002; Page A35

PARIS -- The week of terror-mania that preceded President Bush's European trip illustrated a problem that the journey itself can help fix, if the president and his advisers act wisely.

If all the finger-pointing and second-guessing in Washington proved anything it is that the war against terrorism will be won not by military might but by good intelligence. The greatest arsenal in human history could not help the CIA, the FBI or the White House see what was in front of their noses in the months leading up to Sept. 11. Despite all the fears, suspicions and memos, senior officials could not connect the dots. And why? Because the reality of intelligence work is that you won't find the needle simply by combing through the haystack. To find something, you need to know where to look. And you need friends to help you search.

Here is where the president's trip matters. Good intelligence requires good allies who can help the United States gather information through a process that is politely called "liaison." Allies provide the intelligence platforms that can help America learn the secrets it could not obtain on its own. Sometimes these allies advertise their cooperation, as is the case with the British. Other times, the links are hidden by noisy public disagreements, as is often the case with France. Occasionally, the liaison arrangements are truly secret, as appears to be the case in many parts of North Africa and the Middle East.

Military power can help persuade reluctant allies to play along. No country wants to be the next Afghanistan, after all. But military power alone isn't going to win this war. It certainly won't stop all the scary people administration officials were warning Americans about last week: the apartment-bomb terrorists; the explosives-strapped-to-the-waist terrorists; the dirty-nuke terrorists. They're probably out there somewhere right now, and the best hope of stopping them is good intelligence.

What does the United States bring to the espionage game? The truth is that over many years and different administrations, the United States has never been particularly good at spying. Perhaps it goes against our national character. But the fact is that most of America's great agents have been walk-ins -- defectors who volunteered their services. Only very rarely has the United States managed to penetrate a hostile intelligence service on its own.

If the CIA is only semi-competent at spying, the FBI is positively awful. The bureau is a police organization, at bottom. It's good at tailing people; it's good at piecing together forensic evidence. It's good (sometimes) at running down leads. It's not so good at running agents, except in the movies.

What makes the United States powerful on the intelligence battlefield are three things: technology, which allows us to watch and listen almost anywhere in the world; money, which allows us to buy local intelligence services and run them; and a global web of alliances that creates a pervasive intelligence network. Everyone talks about the need for more spies on the ground, but the most obvious need right now is for analysts who can pull the disparate pieces of intelligence together and see the mosaic whole.

It's that unglamorous part of the intelligence game where the United States failed most drastically in the months before Sept. 11. It turns out that U.S. agencies knew nearly every important fact about the al

Qaeda bombers before the tragedy -- yet analysts couldn't see the picture. With all the new billions for the sexy side of intelligence -- the guys and gals in trenchcoats -- let's hope the desk-bound analysts are getting more money, too.

Contrary to what some in the Pentagon seem to believe, this is not a war in which America can go it alone. Yes, America has leaped a generation ahead of its allies in weapons technology, making it inevitable that there will be more unilateral U.S. military operations. But those weapons won't get America very far without better intelligence, and for that Washington needs its allies.

When it comes to terrorism, President Bush should be a listener on his travels this week, not a preacher. The Europeans have been living with it far longer than the Americans have -- and arguably coping with it more successfully. The British stayed the course patiently in Northern Ireland for a generation while IRA bombs were exploding in British cities (and while IRA fundraisers were making the rounds in America to gather support for these ghastly acts!). The French penetrated the vast Arab and North African underground in France -- and contained a terrorism problem that, a decade ago, posed a deadly threat. The Italians broke terrorist movements on the right and left, thanks to tough judges and aggressive intelligence. The go-it-alone tough guys in Washington have this one precisely wrong. Because America really is at war, it needs allies. It needs liaison. It needs friends in the shadows.

President Bush has forged a fruitful alliance with his new best friend, Russian President (and ex-spy) Vladimir Putin. This week he should add to the list -- and build more of the relationships that can complement America's hard military power with the soft power that will help win this war.

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Re-Imagining NATO

By Charles Krauthammer

Friday, May 24, 2002; Page A35

NATO is dead. Long live NATO.

NATO died in Afghanistan -- the very same place where that other top-heavy and obsolete multinational construction, the Soviet Union, expired. (History is not just cruel. It is witty.)

The proximal cause of the Soviet Union's death was painful defeat in Afghanistan. The proximal cause of NATO's death was victory in Afghanistan -- a swift and crushing U.S. victory that made clear America's military dominance and Europe's consequent military irrelevance.

The gap in military capacity is so staggering that even professor Paul Kennedy, author of the highly influential "The Rise and Fall of the Great Powers," has now recanted the America-in-decline theory he fathered in the 1980s. Kennedy has been moved to express his awe at American resurgence: "Nothing has ever existed like this disparity of power; nothing."

The important point, Kennedy notes, is less the gap between the United States and rogue states than that between the United States and the rest of the great powers. Everyone knows that all the talk of the "coalition" in Afghanistan was a polite fiction. Europe, in particular, was reduced to the sidelines because its technology is so far behind America's that what little aircraft, munitions and transport it might have contributed would only have gotten in the way.

For a continent that for 500 years ruled the world, this impotence is difficult to accept. It helps explain Europe's petulant complaints about American "arrogance" and "unilateralism." It also explains why NATO, as a military alliance, is dead. It was not always so. For four decades the alliance fielded huge land armies that successfully deterred the Soviet Union at the height of its power. With the end of the Cold War, however, NATO lost its enemy. With the demonstration of its military irrelevance in the Afghan war, NATO lost its role.

What to do? Madeleine Albright, never at a loss for offering yesterday's conventional wisdom, says that we should make clear to our allies that they must modernize their militaries. Why? Europe is a collection of democracies. And grown-ups. They make choices. Toward the end of the Cold War, they made the conscious, near-continental decision to radically reduce their military forces and turn inward in order to build "Europe."

They slashed defense spending and essentially demobilized. It was a perfectly reasonable response to the end of the Soviet threat.

Why should we be hectoring them to reverse that, to divert money from their cherished welfare states to their militaries? So they can become America's junior partner in policing the world against "axis of evil" threats that they believe are exaggerated in the first place? To join us in wars that they have no desire to fight anyway? If Europeans want to rearm and join the posse, fine. But we should not be pressuring them. America neither resents nor inhibits European strength. On the contrary. For a half-century, we supported the project of European integration and enlargement. For almost as long, under the rubric of

"burden sharing," we urged the Europeans to increase defense spending.

They politely declined. Why should we be greater advocates of European power than the Europeans themselves? They have practiced international affairs long enough to know that diminished power means diminished influence -- and a radically diminished NATO, their place at the decision-making table.

NATO may still have a role in peacekeeping but not in war-making. As a serious military alliance it is finished. But there is no need for a funeral. NATO can be usefully re-imagined. Its new role should be to serve as incubator for Russia's integration into Europe and the West.

It is precisely because NATO has turned from a military alliance into a transatlantic club of advanced democracies that it can now safely invite Russia in -- and why Russia has so reconciled itself to NATO. Russia recognizes NATO's shift from a military to a political organization. That is why it has muted its objection to NATO's expansion into the former Soviet republics of the Baltic states.

That idea used to make the Russians apoplectic. But with NATO a hollow shell, they are relaxed about having us in, and we are relaxed about having them in. The unprecedented place at the NATO table recently offered to Russia by the Bush administration -- to be ratified in Italy on Tuesday -- is the correct next step in NATO's transformation. Join the club.

NATO is dead.

Welcome, Russia, to the new NATO.

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Low Profile
The real scandal of the Phoenix memo isn't that it was ignored--it's why it was ignored.
by Christopher Caldwell
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Christopher Caldwell, senior editor

GEORGE W. BUSH waited until he was safely in Europe to declare that he wanted no independent investigation into the "Phoenix memo," written in the summer of 2001, which detailed links between al Qaeda and young Arabs enrolled in American flight schools. The congressional intelligence committees are the "best place" for any inquiry, he said. Is the president acting to protect American intelligence? Or to protect his own skin?

Neither, as it turns out.

He's probably not protecting intelligence assets. We can tell because we already know the memo's author: FBI Special Agent Kenneth J. Williams, of "Squad 16." Williams has been described in various news accounts as an "expert," and even a "superstar." Thanks to the crack reporting of Fortune magazine's Richard Behar, we even know the contents of the memo, which had an executive summary that read: "Usama bin Laden and Al-Muhjiroun supporters attending civil aviation universities/colleges in Arizona."

And clearly Bush is not protecting his own skin. The very smokiness of this gun absolves Bush of the charge that he's covering up his own incompetence. Had this memo reached the White House, no president could have failed to act on it without risking impeachment.

The real scandal of the FBI memo is that it wasn't passed up the line. And we can make a pretty good guess why it wasn't. In May 8 hearings held by the Senate Judiciary Committee, Dianne Feinstein asked FBI director Robert Mueller what had happened. Mueller replied, "There are more than 2,000 aviation academies in the United States. The latest figure I think I heard is something like 20,000 students attending them. And it was perceived that this would be a monumental undertaking without any specificity as to particular persons; the individuals who were being investigated by that agent in Phoenix were not the individuals that were involved in the September 11 attack."

What a load of nonsense. Any small-town newspaper reporter could have narrowed down that 20,000 to under a hundred in an afternoon, just by focusing on names like . . . oh, I don't know . . . try Mohamed, Walid, Marwan, and Hamza. Couldn't the *entire FBI* have done the same?

As it turns out, no. And the reason is, whoever got Williams's memo would understand that there is one commonsensical way to implement it: *Look for Arabs*. And given congressional pressure on racial profiling and the president's own outrageous pandering on the subject during the 2000 election

campaign, Williams's lead was something no agent with an instinct for self-preservation would want to touch with a barge pole. Mueller's thinking must be taken as representative of the agency's. His invoking of "specificity as to particular persons" sounds like a term of art learned from some diversity consultant.

That's the scandal of the Phoenix memo. And if delicacy about the racial-profiling demagoguery that took root in Washington in the Clinton years interferes with a full accounting of the intelligence failures in the months before September 11, then that would be a bigger scandal still.

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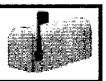

WHITE HOUSE WATCH

Inquiring Minds

by Ryan Lizza

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The furious volley of charges between Democrats and the White House over what President Bush knew about the terrorist threat before 9/11 seems to have produced some clear winners and losers. After a week of acid exchanges, the consensus in Washington is that Democrats are in retreat and Bush is jetting off to Europe victorious. The White House supposedly won the skirmish with a furious two-pronged, vice-presidential counterattack. First, Dick Cheney questioned the patriotism of Democrats who implied that Bush had actionable intelligence about September 11. Then, even more cynically, the vice president--followed by a string of other administration officials--began a spooky four-day barrage of terror warnings that started with anonymous sources proclaiming an increased level of Al Qaeda "chatter" about attacks and ended with the secretary of defense declaring that terrorists would "inevitably" obtain weapons of mass destruction. Less than one week after the initial report that Bush had been briefed last August of an Al Qaeda plan to hijack airplanes, the White House was brimming with confidence. On Tuesday, when asked if the president thought that Democrats were in retreat, Bush spokesman Ari Fleischer sounded triumphant: "He understands politics will occasionally flare up, but I think it's come and it's gone from his point of view."

Not quite. Yes, the White House has forced Democrats to ratchet down their criticism, but it may prove a Pyrrhic victory. In fact, just as the White House was publicly proclaiming success, it was privately telling reporters that the scuffle could have worrying long-term consequences because, for the first time since the attacks, it has given political momentum to Democratic calls for an outside commission to investigate what went wrong. And such high-profile snooping could tilt the partisan balance of power throughout 2002.

For months Democratic legislation creating an independent commission to probe the intelligence failures that led to 9/11 has languished in Congress. The president has opposed the idea since at least early February, when Cheney personally phoned Senate Majority Leader Tom Daschle to warn that such an investigation would harm national security during a war. Not even the combined star power of the bill's sponsors, Senators Joe Lieberman and John McCain, did much to catch the media's attention. After 9/11 the White House successfully limited congressional oversight regarding the attacks to a joint investigation by the Senate and House Intelligence Committees, which are notoriously deferential to the agencies they oversee. And even as that joint inquiry fell prey to partisan fighting and CIA stonewalling, few Democrats dared to raise the idea of a more vigorous probe--until last week.

The revelations about Bush's August 6 briefing, coming on the heels of the Phoenix memo and Zacarias Moussaoui's detention, obviously don't suggest that Bush knew about 9/11 in advance. But they buttress the Democrats' call for a wider investigation. Conservatives point to the president's 70 percent approval ratings and argue that the recent Democratic attacks on Bush were ineffective. But those same polls show that Americans now want a high-profile investigation of how 9/11 happened. On Tuesday, after Daschle announced his support for a commission, the White House and congressional Republicans launched an aggressive effort to kill it. But even prominent conservatives like George Will and the editors of *The Weekly Standard* have now endorsed the idea. As New Jersey Democrat Robert Torricelli told a reporter last week, "The debate about the relative merits of a national commission is effectively over."

If the Democrats get their commission, the administration will have lost control over the 9/11 probe, and there is no telling what embarrassing or incriminating information will come to light. And for the White House, the problem is broader than just one inquiry. In the immediate aftermath of the 9/11 intelligence flap, congressional Democrats have moved to assert their oversight authority on a host of issues the Bushies had hoped were dead. Legislation to make Homeland Security Director Tom Ridge a Cabinet secretary who can be called before Congress is gaining momentum: Dick Gephardt, citing the Phoenix memo and other recent disclosures, announced his support for the bill Tuesday; and on Wednesday Joe Lieberman's Governmental Affairs Committee approved it. Also this week, Democrats turned the House debate on an Afghan aid bill into an opportunity to attack Bush's approach to security and nation-building in postwar Afghanistan. On another front, Lieberman issued the first congressional subpoenas to the White House on Wednesday, demanding information about contacts with Enron. There is a larger dynamic operating here: If at first Bush used 9/11 to neuter Congress, Bush's new 9/11 vulnerability is allowing Congress to reassert itself.

For Democrats up for reelection this year, the recent sparring with Bush offers the first opportunity to carve out some war-on-terror bona fides. The best example is Tuesday's House debate on the Afghan aid bill. The legislation authorizing the funds could have passed quickly under what is known as "suspension of the rules," a format for legislation that enjoys wide support and which requires a two-thirds majority vote. But Democrats insisted on a longer debate so they could beat up Bush. Members took to the floor to challenge the president's approach on everything from refugees and warlordism to the health and education of Afghan children. Democrats are saying that while Bush may have won the war, Americans still need Democrats to make sure Afghan kids get health care and don't step on land mines. This is the kind of thing members can take back to their districts to insulate them from the president's popularity; it's proof that they too are contributing to the war on terror. Most importantly, Tom Lantos, ranking member of the House Committee on International Relations, added a provision to the aid bill that requires Bush to come up with a coherent strategy to provide security for all of Afghanistan, not just Kabul (which enjoys an international peacekeeping force). Such micromanaging of the administration's war on terror by Congress was unthinkable just a few months ago.

For the Democrats in Congress who want to run against Bush in 2004, the recent flap

over intelligence failures provides a way to regain control over the most potent weapon they possess: the power to investigate the White House. The administration used 9/11 to restrict the damaging fishing expeditions to which every recent president has been subjected. With at least half a dozen senators angling for Bush's job, stopping such inquiries is vital to the White House. (It's one reason the White House is obsessed with regaining the Senate this year--it would knock the pedestals out from under most of Bush's potential 2004 opponents.) But last week changed all that. Throughout the week's unpleasantness, Republicans angrily accused Democrats of trying to tear down the president because they are frustrated by his high poll numbers. That's only partly true: Bush's approval rating has been dropping by two to three points every month no matter what other political forces have been at play. What Democrats are really doing--and what the White House fears is working--is showing that no matter how much the country admires Bush, it needs a Democratic Congress to keep him in check. That may not be as sexy as arguing that Bush could have prevented 9/11, but if the Democrats use their recent momentum to get their way on an outside commission, aid to Afghanistan, a Department of Homeland Security, and a wider Enron probe, the consequences for Bush could be bad enough.

RYAN LIZZA is an associate editor at TNR.

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