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United States Department of State

Washington, D.C. 20520

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APR 9 1990

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Dear Senator Leahy:

This is in response to your letter of February 21, 1990, to Glenn A. Rudd, Acting Director, Defense Security Assistance Agency, Department of Defense, regarding your concerns about controls on U.S. military assistance for counternarcotics programs in Bolivia, Colombia and Peru. Mr. Rudd has asked that the State Department respond to your questions.

1. What policy directions have been given to U.S. military assistance personnel to guide the implementation of these military programs in the Andean countries?

o Congress has authorized and appropriated funds for the three Andean countries specifically for counternarcotics purposes. Accordingly, we are cooperating closely with the Governments of Colombia, Bolivia and Peru to determine how best to implement a comprehensive program to strengthen political commitment, increase effectiveness of law enforcement and armed forces efforts, and disrupt trafficker organizations and infrastructure to reduce the flow of narcotics products into the U.S. Our general bilateral agreements for granting assistance this fiscal year specify that assistance must be used for counternarcotics purposes, as do individual implementing documents. We have worked out implementation plans with these countries and provided written and oral briefings of the plan to relevant congressional committees.

2. What guidelines exist concerning how this equipment is to be used, and how will these guidelines be implemented?

o FY 1990 grant agreements for U.S. military assistance for the Andean countries of Colombia, Bolivia and Peru include conditionality provisions which stipulate that equipment and training are being provided only for counternarcotics programs.

The Honorable
 Patrick J. Leahy, Chairman,
 Subcommittee on Foreign Operations,
 Committee on Appropriations,
 United States Senate

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3. Who will receive this equipment? Will it be used only in controlling illicit narcotics production and trafficking? What range of activities does that include? How will its use be monitored?

o Units of the army, navy, air force and national police shall receive military assistance for use in counternarcotics programs. To address narcotics production and trafficking in Colombia and Peru, it is necessary to first isolate and establish control of areas now being contested by groups opposed to governmental influence and law enforcement. In Bolivia, military assistance funds will support a program to control unauthorized air, river and road movements. Programs will be monitored by reviewing measures of performance set for each program goal, such as destruction of laboratories, movement of precursor chemicals, control of air corridors, and isolation of coca growing areas.

4. What steps will be taken to ensure that this equipment does not go to individuals who are reliably suspected of having committed human rights violations in the past?

o Human rights is an integral and highly significant element of U.S. foreign policy. Considerable regard is given to Section 502B of the Foreign Assistance Act of 1961, as amended, concerning international obligations of the U.S. to promote and encourage protection of human rights. Annual and special reports are submitted to Congress. Where criticism is due, we have provided it. Our agreements relating to counternarcotics assistance contain language that would give us the right to withdraw assistance if it is determined that violations of human rights have occurred. With regard to counternarcotics program and security assistance in general, our programs are on a government-to-government basis. We do not attempt to tell a government to which agencies, battalions, or brigades items should go. We do, however, actively monitor, report and make part of ongoing diplomatic dialogue any human rights violations.

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5. What action will be taken if any of this equipment is used in the commission of human rights violations?

o The normal case review process for equipment provided under the U.S. military assistance program will be supplemented with continuous end-use-monitoring activities of the international narcotics control program. End-use-monitoring involves monitoring physical inventories and the actual use of equipment in the field. Upon verification that equipment is not being utilized for purposes specified in the applicable grant agreement, continuing support can be terminated unilaterally by the U.S.

o U.S. military personnel assigned to train or provide support in the use of this equipment are specifically instructed to immediately report all possible human rights violations to civil and military authorities.

I share your concerns and assure you that we will continue to work closely with the Congress, the Department of Defense and other appropriate government agencies to ensure the success of this important counternarcotics initiative.

Please do not hesitate to contact me if you need further information.

Sincerely,

JG/M
Janet G. Mullins
Assistant Secretary
Legislative Affairs

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