

Military Assistance and Human Rights

Colombia,
U.S. Accountability, and
Global Implications



FOR
FELLOWSHIP OF RECONCILIATION

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Executive Summary: Military Assistance and Human Rights: Colombia, U.S. Accountability, and Global Implications

The scale of U.S. training and equipping of other nations' militaries has grown exponentially since 2001, but there are major concerns about the extent to which the U.S. government is implementing the laws and monitoring the impact its military aid is having on human rights. This report by the Fellowship of Reconciliation (FOR) and U.S. Office on Colombia examines these issues through a detailed case study of U.S. military aid, human rights abuses, and implementation of human rights law in Colombia.

The experience of US military funding to Colombia shows alarming links between Colombian military units that receive U.S. assistance and civilian killings committed by the army. To prevent similar errors in Afghanistan and Pakistan, relevant Congressional committees and the State Department Office of the Inspector General must thoroughly study the Colombia case and implementation of U.S. law designed to keep security assistance from going to security force units committing gross human rights violations.

While researching this report over a period of two years, we drew on a rich set of data about more than 3,000 extrajudicial executions reportedly committed by the armed forces in Colombia since 2002 and on lists of more than 500 military units assisted by the United States since 2000. FOR found that U.S. officials neglected their duties under the Leahy law, and that many Colombian military units committed even more extrajudicial killings during and after the highest levels of U.S. assistance to those units. Whatever correlation may exist between assistance and reported killings, there are clearly other factors contributing to high levels of killings. Yet, while we could not fix the causes of increased reports of killings after increases in U.S. assistance, our findings highlight the need for a thorough investigation into the reasons for this apparent correlation.

A number of U.S. laws are designed to protect against the use of U.S. foreign aid to commit human rights abuses. A principal one is the Leahy Amendment, which prohibits assistance to any foreign security force unit if the State Department has credible evidence that the unit has committed gross human rights violations. The country where application of the Leahy law has been the most rigorous – according to the State Department – is Colombia. **Yet our analysis strongly suggests that implementation of Leahy Law in Colombia requires suspension of assistance to nearly all Army fixed brigades and many mobile brigades.** Most military training in Colombia is funded by the Defense Department.

How should embassy personnel determine whether units should receive assistance where there are high numbers of reported violations for which the responsible unit has not been identified? The data shows that the brigade jurisdiction where a reported violation occurred is a reliable indicator of what unit committed it. Moreover, in Colombia, extrajudicial killings reportedly occurred in nearly all Army brigade jurisdictions, which puts in doubt the legality of assisting any such brigade.

The Leahy Law includes an exception on the prohibition of assistance if “effective measures” (or “necessary steps” for DOD-funded training) are being taken to bring those responsible for a violation to justice. Yet the State Department’s documentation illustrates that only 1.5% of the reported extrajudicial executions have resulted in conviction.

As the data in this report indicate, after November 2008, the number of reported killings of civilians by the Colombian armed forces dropped precipitously, apparently due to an institutional decision to address the practice. The decrease in killings attributed to the armed forces has been accompanied by a steep climb in the number of reported killings by paramilitary successor groups. The implications of reduced reports of civilian killings for continued U.S. assistance under the Leahy Law, however, are minimal, since the law requires not simply an end to the killing, but “effective measures” to bring those responsible to justice before new or continued assistance to the armed forces is lawful.

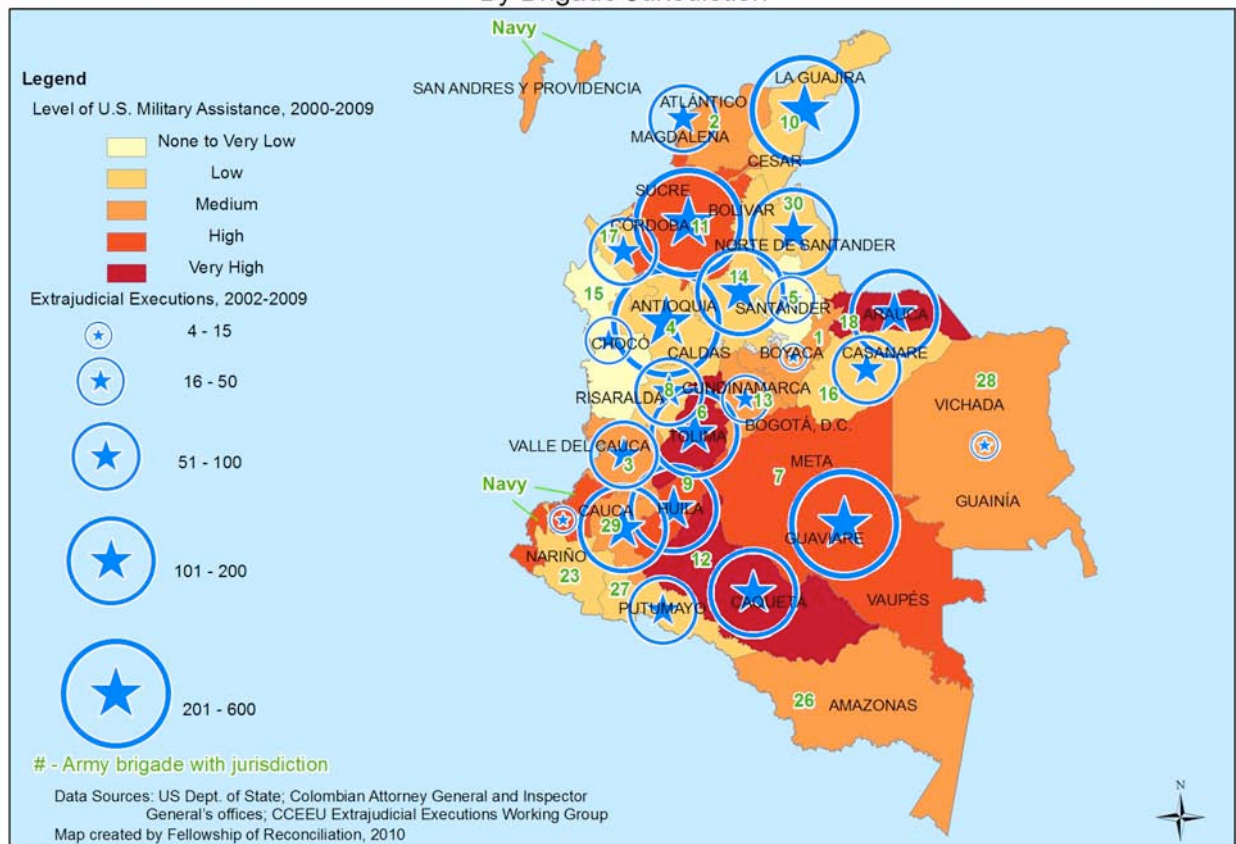
If U.S. assistance were having a positive effect on the human rights conduct of assisted units, we would expect to see low numbers of reported extrajudicial killings by the army in those areas where aid to the army is concentrated. In order to isolate the relationship between assistance and subsequent executions from other potential factors, we identified the brigade jurisdiction/years when units in the jurisdiction received the largest increases in U.S. assistance. We found that reported extrajudicial killings increased on average in areas after the United States increased assistance to units in those areas. **For the 16 largest increases of aid from one year to the next to army units operating in a specific jurisdiction, the number of reported executions in the jurisdiction increased an average of 56%** from the two-year period prior to the increase to the two-year period during and after the increased assistance. In other words, when there were significant increases in assistance to units, there were increases in reported killings in the periods following the assistance in the assisted units’ areas of operation.

On the other hand, in years after levels of assistance were most reduced for units operating in a jurisdiction, the number of executions reportedly committed by units operating in the jurisdiction fell, also by an average of 56%. Overall, regions with the biggest increases in military aid generally experience a greater increase or a smaller decrease in the number of extrajudicial executions than do regions with the biggest decreases in military aid. Those jurisdictions where the number of reported killings was the highest after receiving increased assistance all had reported multiple army killings of civilians in the period before the increase. **This suggests that a problem that was ignored in deciding to increase assistance to a unit tended to become worse afterward.**

There are significant gaps in our knowledge to help us understand and interpret the causes for what we found. Nevertheless, we believe it is important to consider potential explanations and interpretations of our findings, and our report makes preliminary reflections on several hypotheses. We also considered possible explanations for why the

U.S. Aid and Extrajudicial Executions in Colombia

Assistance to Colombian Army (2000-2009) and Extrajudicial Executions (2002-2009)
By Brigade Jurisdiction



Leahy Amendment has been inadequately implemented in Colombia, including insufficient staffing and prioritization, lack of information on reported violations, and differing interpretations of “credible evidence.” Profiles of fourteen brigades and battalions and two Army commanders give more detail to the analysis.

We also reviewed the multi-billion-dollar U.S. military assistance program and human rights violations in Pakistan. It is unclear whether the Frontier Corps and other Pakistani military units trained and equipped by the United States are participating in the country’s extensive human rights violations. However, where there is credible evidence of gross abuses committed by an assisted institution, the Leahy Law requires suspension of aid to the “smallest operational group in the field that has been implicated in the reported violation.” The Frontier Corps is credibly implicated in serious violations. If the State Department cannot determine a smaller unit responsible for these violations, then the Leahy Law requires suspension of assistance to the Frontier Corps itself.

Furthermore, DOD-funded assistance and reimbursements should not be exempt from the Leahy Law human rights vetting requirement. The use of funds to reimburse a foreign government for specific military operations, effectively making that military a proxy for U.S. policy, does not remove the goals of the Leahy Law: to prevent U.S. funds from being used to support militaries committing gross abuses of human rights.

In Colombia, U.S. military assistance continues at a high level. If Colombia represents the most rigorous application of the Leahy Law, what can be expected elsewhere? Moreover, the U.S. record in Colombia is seen as a model for policy in Afghanistan and other countries. Any evaluation of military assistance should not be limited to whether it complies with Leahy Law, since suspension of aid to specific units under Leahy Law does not alter or reduce the overall amount of military assistance. Consideration of military assistance should address the broader context of U.S. human rights goals and obligations.

Because such a large proportion of training and other assistance to Colombia comes under DOD authority, it is especially important that such assistance be transparent, considered by Congress as part of the appropriations cycle, and regularly evaluated for its human rights impacts. We also recommend further study of several phenomena in Colombia that we were not able to examine, including collaboration between paramilitary forces and officers and members of the armed forces, and the relationship between forced displacement, reported extrajudicial killings, and units that received U.S. assistance. Finally, apart from Leahy Law implementation, the increase in reported civilian killings by Army units after they received U.S. assistance raises serious ethical questions about such assistance in Colombia and in other nations where similar conditions of widespread impunity and warfare pertain.

Recommendations

1. Congress should require the State Department to document the human rights records of units receiving U.S. assistance, and evaluate the human rights impacts of such assistance. The results should be unclassified and posted to the Department's web site.
2. The Department of State must fully implement Leahy Law in Colombia. At a minimum, this requires suspending assistance to brigades for which there is credible evidence of extrajudicial executions committed by its members, until and unless those killings are fully investigated and the civilian justice system reaches a judgment. Such evidence exists for all army divisions and nearly all brigades.
3. Relevant Congressional committees, the National Security Council and the State Department Inspector General should give increased scrutiny of U.S. military assistance in nations where conditions similar to Colombia's prevail (high levels of security force abuses, high levels of impunity, high or institutional levels of U.S. assistance), including Colombia, until policy-makers provide Congress with a credible explanation for negative human rights impacts and vetting failures in Colombia, and demonstrate concrete changes to ensure these impacts and failures are not replicated.
4. Because the failure to apply the Leahy Law has led to United States to assist brigades that have committed large numbers of extrajudicial executions, the United States has the responsibility to do everything possible to ensure justice for these cases. U.S. aid to Colombian judicial and oversight agencies should be tied to concrete results in reducing impunity.

Military Assistance and Human Rights: Colombia, U.S. Accountability, and Global Implications

Introduction

The United States has a long history of providing significant military assistance to foreign countries to advance U.S. interests. In its Quadrennial Defense Review issued last year, the Defense Department articulated a plan for “building partnership capacity” with allied militaries, and institutionalizing irregular warfare capabilities. The target groups and results of such assistance in human rights terms, however, receive little scrutiny. There are major concerns about the extent to which the U.S. government is implementing the laws and monitoring the impact its foreign security aid is having on human rights abroad. This report examines these issues through a detailed case study of U.S. military aid, human rights abuses, and implementation of human rights law in Colombia.

The United States has expended approximately \$35 billion since 2001 on training military forces in Iraq and Afghanistan alone, and plans to train more than 100,000 soldiers in Afghanistan over the next three years.¹ It has supplied more than \$12 billion in military assistance to Pakistan since 2001. President Obama has requested \$1.66 billion in such funding for Pakistan for Fiscal Year 2011 alone. The scale of U.S. training and equipping of other nations’ militaries in order to meet U.S. objectives has grown exponentially during this period.

How that security assistance is being used is not always clear, however. In 2009, human rights groups and *The New York Times* reported between 300 and 400 extrajudicial killings by the Pakistani Army.² Afghanistan has a history of brutal warlords, many of whom have received extensive U.S. assistance and have routinely committed egregious human rights violations against the local population.³ Thousands of civilians have also been killed by the United States itself, including through drone attacks executed by the Pentagon and the CIA in Afghanistan and Pakistan.⁴ President Obama has expressed his commitment to promote human rights, yet as the United States dramatically scales up its military training in these two countries, how will the U.S. government ensure that the civilian population is safer and that there are fewer human rights abuses? What is the track record for ensuring that U.S. military aid does not train those with histories of abuse, and what is the human rights impact of such military training? **The experience of US military funding to Colombia is instructive and shows alarming links between Colombian military units that receive U.S. assistance and the commission of civilian killings by the Army. In order to prevent similar errors in Afghanistan and Pakistan, relevant Congressional committees and the State Department Office of the Inspector General must thoroughly study the Colombia case and implementation of U.S. law designed to keep security assistance from going to security force units committing gross human rights violations.**

While researching this report over a period of two years, the Fellowship of Reconciliation (FOR) drew on a rich set of data about more than 3,000 extrajudicial executions⁵ reportedly committed by the armed forces in Colombia since 2002 and on lists of more

than 500 military units assisted by the United States since 2000. **FOR found that U.S. officials neglected their duties under the Leahy law. We also found that many Colombian military units committed even more extrajudicial killings during and after the highest levels of U.S. assistance to those units.** Whatever correlation may exist between assistance and reported killings, there are clearly other factors contributing to high levels of killings. Yet, while we could not fix the causes of increased reports of killings after increases in U.S. assistance, our findings highlight the need for a thorough investigation into the reasons for this apparent correlation.

A number of U.S. laws are designed to protect against the use of U.S. foreign aid to commit human rights abuses. A principal one is the Leahy Amendment or Leahy Law, which prohibits assistance to any foreign security force unit if the State Department has credible evidence that the unit has committed gross human rights violations. The country where application of the Leahy law has been the most rigorous – according to the State Department – is Colombia.⁶

In order for the U.S. Government to be in compliance with the Leahy Law, it must review the human rights record of security force units that are potential recipients of U.S. assistance – a process referred to as “vetting.” If there is credible evidence that a security force unit proposed for or receiving U.S. assistance has engaged in gross violations of human rights the U.S. government must bring the case to the attention of the Colombian government and make a decision to provide, continue, or discontinue assistance based on the Colombian government’s efforts to bring those responsible to justice. In the case of training provided by the Defense Department, the State Department must bring the case to DOD’s attention, which makes a determination on how to proceed based on nearly the same criteria.

The Leahy Law is a very important mechanism to ensure US military aid does not end up in the hands of security force units credibly reported to have committed gross violations of human rights. But if U.S. officials do not apply the law by rigorously vetting all units that receive US assistance, and are not held to account for the transparent and effective implementation of U.S. laws, thousands of civilians will continue to lose their lives in U.S.-backed military activities.

This report by FOR and the U.S. Office on Colombia focuses narrowly on the relationship between U.S. military assistance and reports of extrajudicial killings by Colombian Army forces, specifically adopting an analysis of specific army units assisted by the United States. **This analysis strongly suggests that implementation of Leahy Law in Colombia requires suspension of assistance to nearly all Army fixed brigades and many mobile brigades.**

Human rights vetting is largely the responsibility of embassy staff in the recipient country, according to the State Department’s guidance issued in 2003, as well as a 2007 “Guide to the Vetting Process.”⁷ In Colombia, the U.S. ambassadors overseeing Leahy amendment implementation during most of the period reviewed by this study were Anne Patterson and William Wood. Ambassador Patterson has been U.S. ambassador to Pakistan since 2007. Ambassador Wood was U.S. ambassador to Afghanistan from 2007 to 2009. U.S. policy in Colombia is being touted as a model of military success and human rights vetting to be

replicated in Afghanistan and elsewhere. In light of this claim and the enormous military training effort undertaken by the United States in Afghanistan, Pakistan and elsewhere, our findings have profound implications for foreign policy.

There is a practice by which Colombian soldiers have detained civilians, sometimes taken them far away, executed them, then claimed them as guerrillas killed in combat. These are known as “false positives.” While cases of “false positives” date back at least to the 1990s,⁸ the number of reports exploded in 2004-08, becoming “widespread and systematic,” according to Philip Alston, United Nations Special Rapporteur on Extrajudicial Executions. Human rights organizations denounced increasing reports of such executions. Then-Defense Minister Camilo Ospina Bernal issued a directive (Directive 29) in November 2005 that established levels of payment for information leading to the killing of members of the guerrillas and other armed groups, which some observers interpreted as creating incentives for the illegal killing of civilians and claiming them as guerrillas. “It’s entirely likely... there were bad incentives in place” that led to “false positives,” Ambassador Wood told FOR.⁹

In September 2008, the Colombian media revealed that young men from Soacha, a poor suburb of Bogotá, had been lured away from home by job offers, brought to Ocaña and other cities more than 300 miles away and – within three days – were claimed by the Army as guerrillas or criminals killed in combat. After initially denying the reports and saying the young men “weren’t going with the purpose of working and harvesting coffee,” President Uribe dismissed 27 soldiers, including three generals.¹⁰ Army commander General Mario Montoya resigned shortly thereafter.

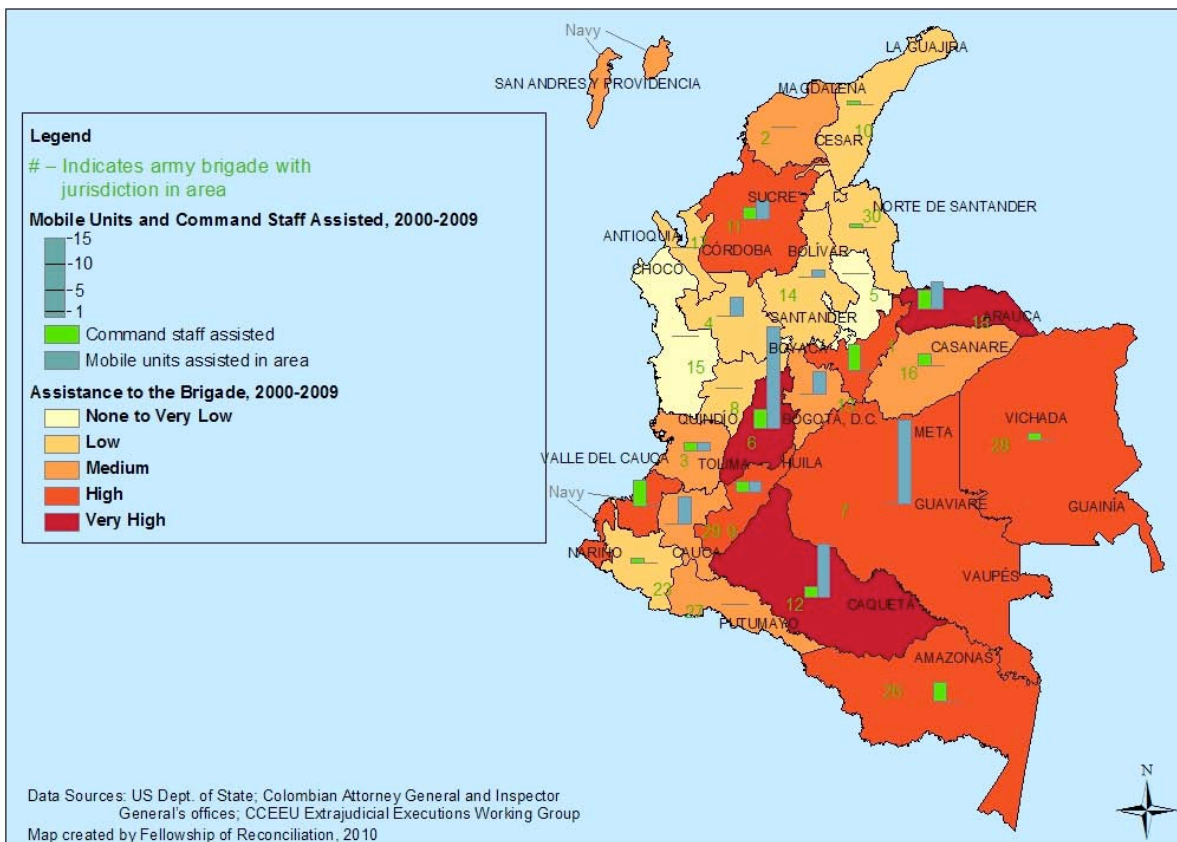
U.S. Military Assistance to Colombia since 2000

While U.S. military assistance in Colombia dates back to the 1940s, including significant sums of assistance in the 1990s, U.S. involvement took a qualitative leap with passage of Plan Colombia in 2000. The two-year \$1.2 billion package was 81% military and police assistance, and initially focused on counter-narcotics objectives. Although previous counter-narcotics assistance had been directed primarily to the police, while the Army focused on fighting guerrilla forces, Plan Colombia funds channeled counter-narcotics aid primarily to the Army, as well as to U.S. contractors responsible for coca fumigation and other activities. After September 11, 2001, however, authority for U.S. military assistance in Colombia was expanded in FY2002 to include support for counterterrorist objectives.¹¹ Initially, this included \$98 million in dedicated funds to counter attacks on the Caño Limón-Covejas oil pipeline, known as the Infrastructure Security Strategy program. According to Lieutenant Colonel Darryl Long:

The U.S. Army Military Mission concentrated its investments in support for the growth and development of mobility provided by Army Aviation, the equipping and training of new units created since 2001, services for logistical support and maintenance, medical capacity, and support for Colombian armed forces’ initiatives for recovering the country’s mined areas. Additionally, through Planning and Assistance Training Teams, there is continued support for Colombian Army brigades and divisions in the integration of intelligence into combat operations, planning of joint operations with the Colombian Air Force and Navy, and military training of small units.¹²

Many of the new units created since 2001 are mobile brigades that consist primarily of counter-guerrilla battalions, and the United States has assisted the majority of these brigades and battalions. Former Armed Forces commander General Carlos Ospina told FOR that U.S. strategic support for counterinsurgency only arrived after 2003. After 2004-05, the geographic reach of U.S. assistance and vetting of units spread enormously, and over the course of 2000-2007, the United States also trained individuals from unvetted Army units across the spectrum, including those with the worst human rights records.¹³

U.S. Military Assistance to the Colombian Army Mobile Units and Brigade Command Staff Assisted (2000-2009)

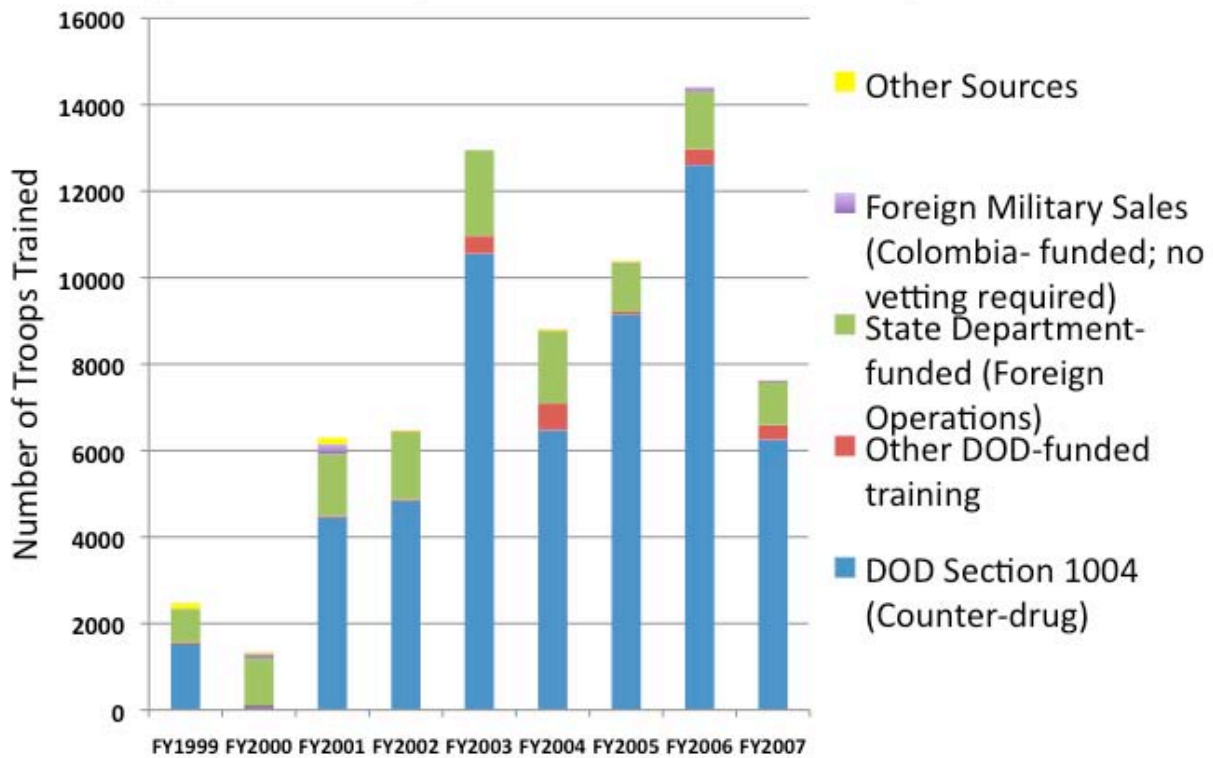


A good deal of current assistance is to increase Colombian military training capacity. Twenty different military training centers and schools, for everything from infantry and special operations to aviation and officer training, are approved for US assistance this year, as well as two police training centers. Colombian officials have stated that the military base agreement signed with the United States on October 30, 2009 will strengthen Colombia's military training program and help it to sell training to other nations, despite the Colombian military's history of systematic human rights violations.

Units whose human rights records are vetted and approved for assistance become eligible for assistance from a range of U.S. programs. Most military training in Colombia is funded by the Defense Department. Funds for assisting Colombian Army units come primarily from

three U.S. programs: Section 1004 Counternarcotics funds, which are budgeted through the Department of Defense, and International Military Education and Training (IMET) and Foreign Military Financing (FMF), both of which are part of the Foreign Operations budget. Some assistance to the army also comes through Counter-Terrorism Fellowship Program (CTFP). It is reasonable to believe that some assistance to the army is also part of covert budgets. Seventy-nine percent of the more than 70,000 Colombians receiving military training between fiscal years 1999 and 2007 received this assistance through Section 1004 funds, as illustrated in the following graph:

Figure 1: Funding Sources of Colombian Troops Trained



Just 18% of Colombians receiving military training during the same period received assistance through the State Department’s Foreign Operations funds (International Military Education and Training [7.4%], Narcotics/Law Enforcement [6.8%], Foreign Military Financing [2.8%], and Foreign Military Sales [0.8%]).¹⁴

Evaluating Vetting

What is “credible evidence” of a gross human rights violation?

The State Department’s guide for vetting says this about determining what evidence is credible:

The law does not specify what constitutes “credible evidence” of a human rights violation. Note, however, that the drafters of the law did not intend “credible evidence” to mean only evidence that would be admissible in a court of law; this gives you greater latitude in evaluating the credibility of the evidence, and accordingly you are asked to exercise your good judgment and common sense. It is also useful to compare information from various sources, and to consider the reliability/credibility of all sources of information when making a decision.¹⁵

In this light, we believe that reports of extrajudicial executions that result in the Prosecutor General's office or Inspector General's office opening a formal investigation constitute credible evidence that the military committed the violation. We also are aware of the strict standards used by the human rights organizations that constitute the Working Group on Extrajudicial Executions, and contend that reports of extrajudicial executions from these organizations also constitute credible evidence.

Elements of the Colombian and U.S. military contest this credibility with a thesis that many or even most reports of extrajudicial killings are a form of "judicial warfare" or "lawfare."¹⁶ Under this thesis, killings not committed by the military are exploited by the FARC and attributed to the military. Asked why reports of extrajudicial executions were at such a high point in 2007, Brigadier General Jorge Rodríguez Clavijo, chief of the Army's recently-created human rights division, said that the Army's operations were high that year, and that the FARC, because it was losing, fought back by facilitating claims that many of those killed were civilians.¹⁷ This would not explain, however, why reports of executions dropped in 2008 and further in 2009, when the FARC was more strategically weakened and the "false positives" scandal had broken.

Geographic Analysis: Mapping Human Rights Vetting

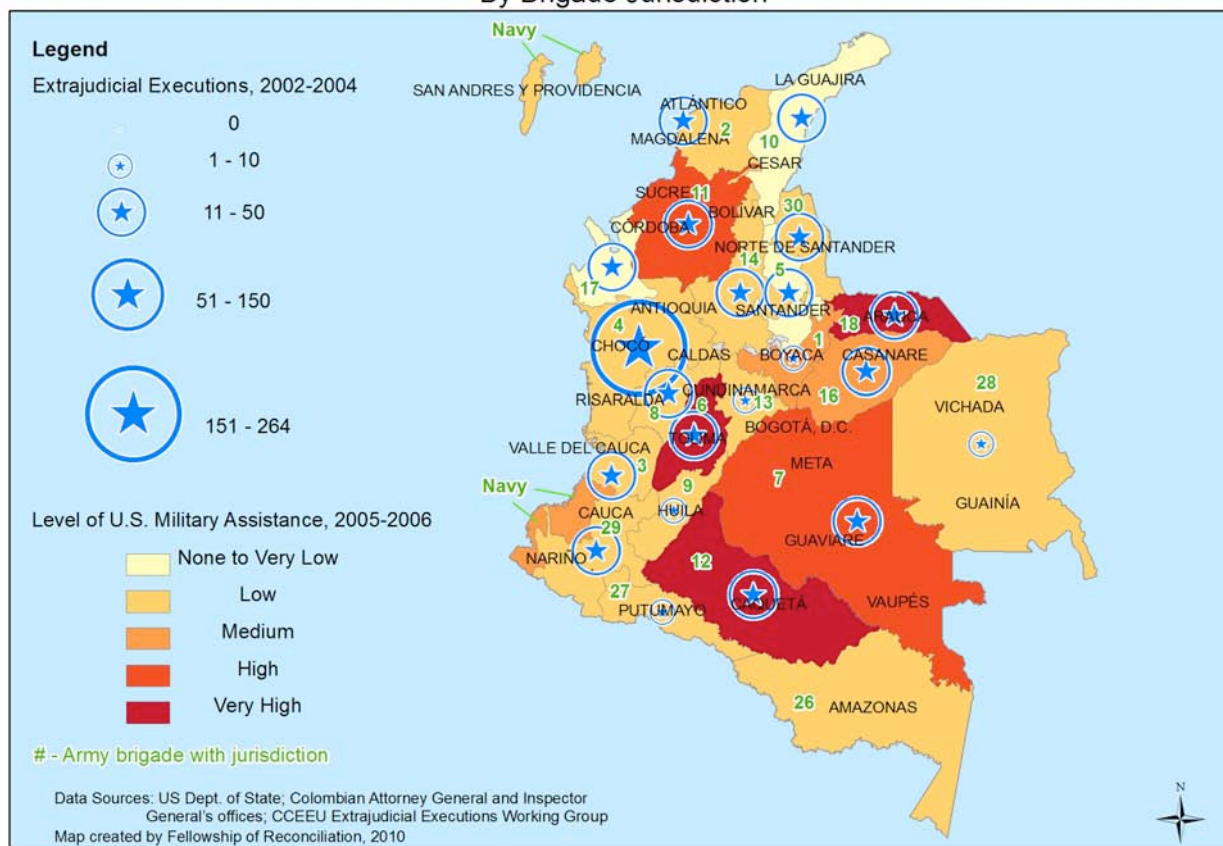
The maps on this and the following page show the level of U.S. assistance to units operating within each brigade jurisdiction over two successive two-year periods, and the number of reported killings by the Army in that jurisdiction during previous years. In spite of the large number of such killings, many units continued to receive U.S. assistance.

The military unit reportedly responsible for an abuse frequently is not identified by those denouncing it or in official investigations. State Department vetting guidance recognizes this ambiguity. "Inability to identify a particular individual as a perpetrator," states the 2003 guidance, "would not preclude a conclusion that the unit has committed a gross violation of human rights if facts otherwise justify such a conclusion. Posts should keep track of allegations of gross violations of human rights involving any unit of the security forces, regardless of whether that unit is currently receiving training or assistance."¹⁸

How should embassy personnel determine whether units should receive assistance where there are high numbers of reported violations for which the responsible unit has not been identified? For example, in some areas of Colombia, both a brigade with territorial jurisdiction and a mobile brigade operate. However, the data shows that the location where a reported violation occurred is a reliable indicator of what unit committed it. For those killings from 2002 to 2009 in which the Army brigade reportedly responsible was identified, 79.5% occurred within the jurisdiction of the army brigade operating in that area. This demonstrates the strong likelihood that the army brigade in whose jurisdiction an extrajudicial killing is reported was responsible for the execution. Of the remaining 20.5% where there was not agreement between the unit reported responsible and jurisdiction information, 13% were attributed to mobile brigades operating in the fixed

Human Rights Vetting of the Colombian Army

Extrajudicial Executions (2002-2004) and U.S Military Assistance (2005-2006) By Brigade Jurisdiction



brigade's jurisdiction. (Our measurements of U.S. assistance to each jurisdiction account for assistance to such mobile brigades.)

Moreover, in Colombia, extrajudicial killings reportedly occurred in nearly all Army brigade jurisdictions, which puts in doubt the legality of assisting any such brigade. In 2007, reported killings by the military occurred in 23 out of 25 brigade jurisdictions, the sole exceptions being in remote and sparsely populated eastern departments, where the likelihood of violations being reported is considerably less than other areas. In addition, 142 reported killings have been directly attributed to 14 different mobile brigades, 11 of which were vetted to receive assistance in 2008-09.¹⁹

Are "effective measures" and "necessary corrective steps" being taken?

The Leahy Law includes an exception on the prohibition of assistance if "effective measures" are being taken to bring those responsible for a violation to justice. The State Department defines effective measures as "taking steps so that individuals who have committed gross human rights violations 'face appropriate disciplinary action or impartial prosecution in accordance with local law.'" It excludes from effective measures the transfer to another unit of individuals credibly reported to have committed violations. In the case of DOD-funded training, the standard for this exception is "unless all necessary corrective steps have been taken." The State Department guidance does not define "necessary corrective steps."²⁰

One Colombian human rights attorney expressed frustration that, when the Colombian Attorney General's office has not opened an investigation into a killing, Embassy personnel say that there is little to corroborate non-governmental reports that the killing was an extrajudicial execution, despite the absence of any requirement for corroboration or judicial review in the Leahy Law for a claim to be considered credible, but that when the Attorney General's office opens an investigation, it is credited as progress, an "effective measure."

Others note that many investigations are opened, but few advance. Of the 3,014 killings reviewed in this study, more than 1,500 were under investigation by the Attorney General's office, but only 43 had reached a verdict as of mid-2009, and processes for just 20 victims had resulted in a sentence.²¹ The State Department's most recent memoranda justifying human rights certification also illustrate that only 1.5% of the reported extrajudicial executions since 2002 reviewed by the State Department have resulted in conviction.²²

What constitutes a "unit"?

The Colombian Supreme Court ruled recently that commanders are responsible for abuses committed by their subordinates.²³ Brigade commanders act with little supervision and have a great deal of discretion. According to Colombian human rights organizations we interviewed, some commanders also are subject to influence by regional political and economic elites. For these reasons we assign high importance to brigade command staff for the conduct of troops.

Colombian courts have accepted the commander's responsibility for the crimes committed by agents under their supervision. In the most recent case of the use of this legal argument, Colonel Luis Alfonso Plazas Vega (Ret.) was found guilty in June 2010 for the forced disappearance of 11 people during the military operation to retake the Palace of Justice, seized by guerrillas in 1985. Such responsibility is known as **indirect responsibility** or **organized power structures**. Under this theory of the "man behind," a person has legal responsibility if he has control within an organization and can ensure the production of an outcome through the apparatus under his control, without having to act himself.²⁴

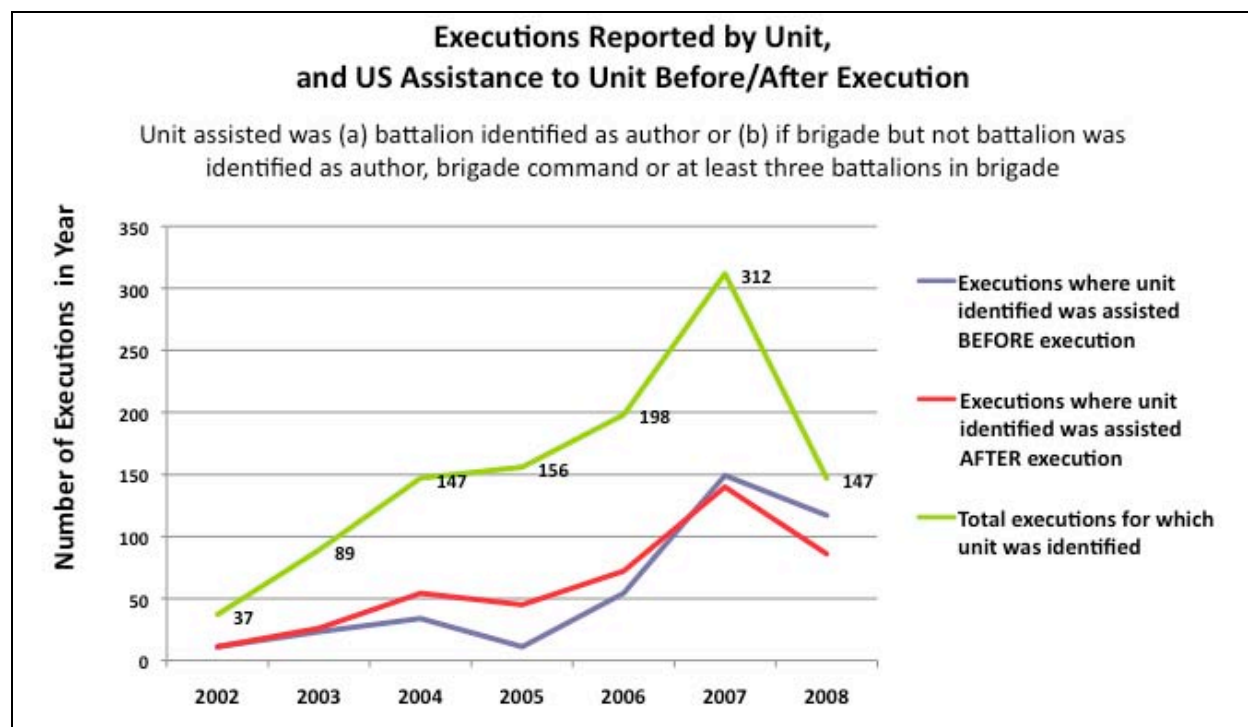
The Leahy Law does not establish a judicial standard of responsibility for abuses. Given the Colombian courts' support for the theory of command responsibility, Leahy implementation should incorporate this recognition of command responsibility by suspending assistance to units commanded by officers previously responsible for units whose members are credibly reported to have committed gross abuses, until effective measures are taken to hold such commanders responsible. This includes non-combat units currently commanded by such officers.

The maps shown here to illustrate human rights vetting and the impacts of military assistance don't reflect aid to individuals in unvetted and suspended units, which would indicate even more U.S. aid in brigade jurisdictions with high numbers of reported executions, but in most cases such aid to individuals could not be tracked by year.²⁵

The Data

For 1,087 killings since 2002, witnesses identified a military unit responsible for the killing (or the military itself identified the unit in claiming a combat death). In this analysis, we also examined whether the units received U.S. assistance previous or subsequent to the reported execution.²⁶ Figure 1 shows the progression of these killings, from 2002 through 2008 (in only one killing in 2009 was the unit identified). Although the numbers of executions reportedly committed by units previously or subsequently assisted by the United States rose and fell with the overall pattern, the percentage of killings reportedly committed by units that subsequently received U.S. assistance rose progressively over the period. By 2008, for more than 79% of the 147 killings in which a unit was identified, the unit was subsequently approved to receive assistance. This was true even though, by that time, the period subsequent to the killing in which assistance could be given was short (six to eighteen months), and despite extensive attention given to the Leahy vetting process in Colombia 2008 and 2009.

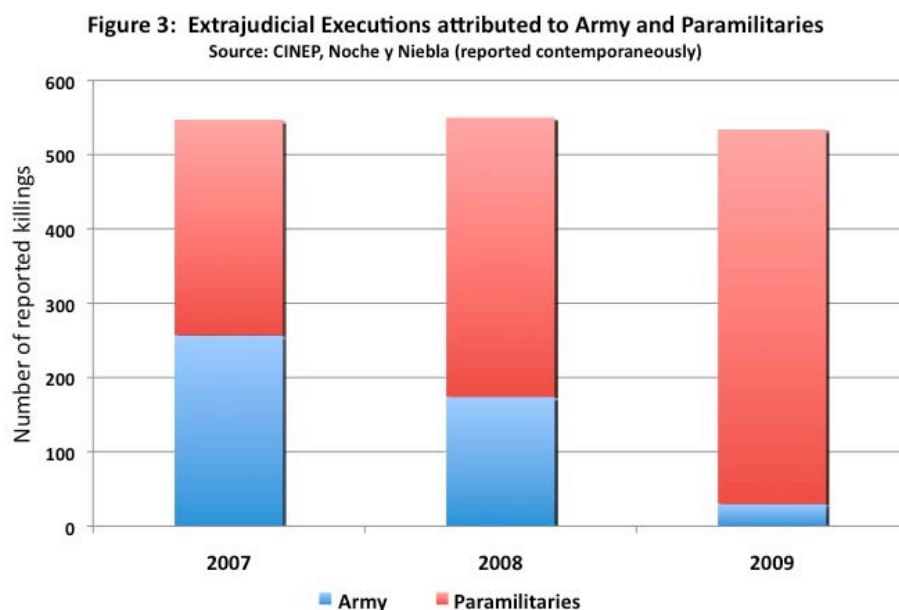
Figure 2



The end of false positives?

As the graphs and data in this report indicate, after November 2008, the number of reported killings of civilians by the Colombian armed forces dropped precipitously, apparently due to an institutional decision to address the practice. In this respect, the work of human rights advocates in Colombia and the international community seems to have had a substantial and material impact. Still, although Colombian authorities claimed there was not a single report of extrajudicial killing since that time, this is not the case. The Colombian Commission of Jurists documented 16 cases in detail from November 2008 to March 2010.²⁷ Experience also shows that some reports of killings lag considerably over time. In

addition, the decrease in killings attributed to the armed forces has been accompanied by a steep climb in the number of reported killings by paramilitary successor groups, as indicated by the number of extrajudicial killings documented by the Center for Investigation and Popular Education, CINEP²⁸ (see Figure 2). Colombian human rights organizations also report increased accounts of forced disappearance allegedly committed by armed forces.



The implications of reduced reports of civilian killings for continued U.S. assistance under the Leahy Law, however, are minimal, since the law requires not simply an end to the killing, but “effective measures” to bring those responsible to justice before new or continued assistance to the armed forces is lawful.

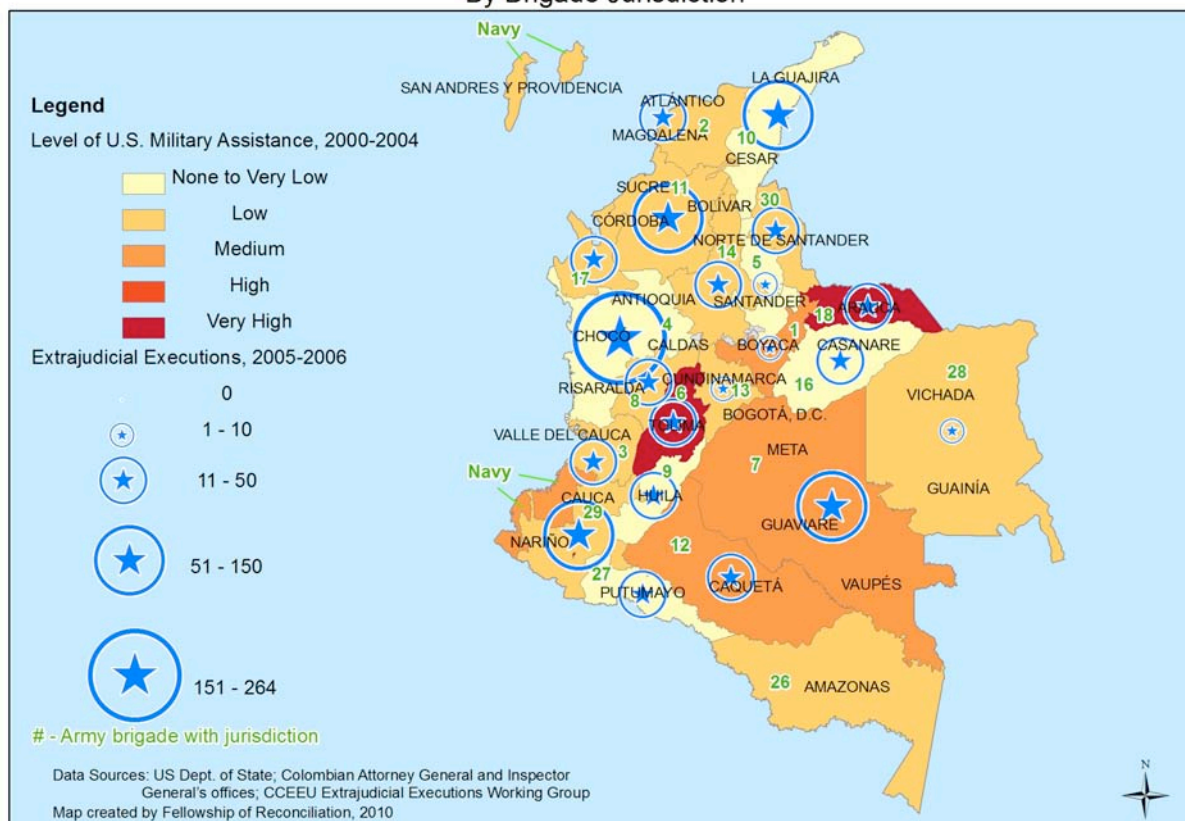
Mapping Human Rights Impact

If U.S. assistance were having a positive effect on the human rights conduct of assisted units, we would expect to see low numbers of reported extrajudicial killings by the army in those areas where aid to the army is concentrated. The two maps show (with density of color) the extent of aid to units operating in each brigade jurisdiction during the indicated years (see p. 33 for how we measured aid). They also indicate, with circled stars, the number of army killings of civilians reported in these areas, in the two years immediately following the period of U.S. aid shown.

However, the maps don’t indicate changes in either U.S. assistance or in number of reported killings. So although it is clear that reported killings were high in some areas where assistance was high – especially visible in the second map - the maps also show a high level of reported killings in some jurisdictions, such as the Fourth Brigade in Antioquia, where U.S. assistance was relatively low (see p. 22 for Fourth Brigade profile).

We also used statistical means to measure human rights violations of units after they received assistance. In order to isolate the relationship between assistance and subsequent executions from other potential factors, we identified the brigade jurisdiction/years when units in the jurisdiction received the largest increases in U.S. assistance. We found that reported extrajudicial killings increased on average in areas after the United States increased assistance to units in those areas. **For the 16 largest increases of aid from one year to the next to army units operating in a specific jurisdiction, the number of**

U.S. Aid and Subsequent Abuses in Colombia
 Assistance to Colombian Army (2000-2004) and Extrajudicial Executions (2005-2006)
 By Brigade Jurisdiction

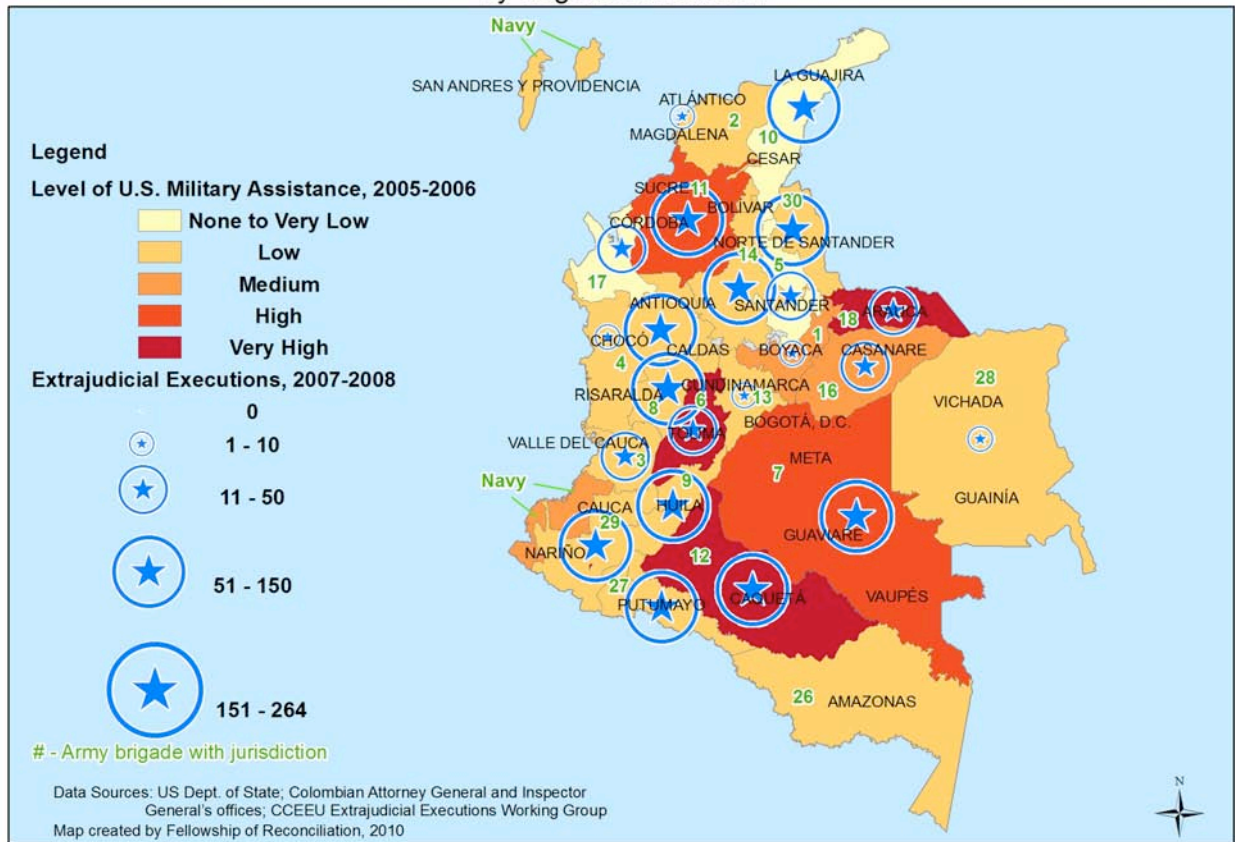


reported executions in the jurisdiction increased an average of 56% from the two-year period prior to the increase to the two-year period during and after the increased assistance.²⁹ In other words, when there were significant increases in assistance to units operating in an area, there were on average increases in reported killings in those areas in the periods following the increased assistance.

On the other hand, in years after levels of assistance were most reduced for units operating in a jurisdiction, the number of executions reportedly committed by units operating in the jurisdiction fell, also by an average of 56%. Overall, regions with the biggest increases in military aid generally experience a greater increase or a smaller decrease in the number of extrajudicial executions than do regions with the biggest decreases in military aid. However, there is variation over time, and other analyses of this data could suggest less of a correlation. Nevertheless, some units may have been “de-vetted” or suspended from U.S. assistance in years of decreased assistance, which may have led those units to attempt to control human rights abuses.³⁰ If this were the case, it would suggest that suspending assistance to units is a significant influence on those units’ human rights conduct.

In all seven cases of a brigade jurisdiction that saw a decrease in reported killings after an increase in U.S. assistance, the decreases occurred in 2008 and 2009. During this period, human rights groups report changed modalities of abuses (for example, disappearances), and a delay in reports of extrajudicial killings, particularly for 2009. At least as important, judging by the decreases in reported civilian killings across the country, the armed forces

U.S. Aid and Subsequent Abuses in Colombia
 Assistance to Colombian Army (2005-2006) and Extrajudicial Executions (2007-2008)
 By Brigade Jurisdiction



appear to have made an institutional decision to seriously curtail the practice after the revelations of the killings in Soacha led to high-level media and international scrutiny.

Role of SOA training: The large majority of the Colombian army's brigade and division commanders received training at the US Army School of the Americas. In 2009, for example, 30 of 33 brigade and division commanders who could be identified attended one or more courses at the School.³¹ In most cases, this training took place more than 20 years before the officer commanded a brigade, though the experience may have been formative. We found it difficult to track the influence of SOA training on individual officers and commanders, but it is significant that the United States has trained virtually the entire class of Colombian Army commanders.

Those jurisdictions where the number of reported killings was the highest after receiving increased assistance all had reported multiple army killings of civilians in the period before the increase. **This suggests that a problem that was ignored in deciding to increase assistance to a unit tended to become worse afterward.**

Correlation of Increased Military Aid to Increases in Reported Killings: Hypotheses and Possible Explanatory Factors

There are significant gaps in our knowledge and understanding to help interpret the causes for what we found. Nevertheless, we believe it is important to consider potential

explanations and interpretations of our findings, and we call for further investigation of these hypotheses.

Proponents of military assistance to Colombia argue that the impact of such assistance on human rights is positive or, at worst, neutral. “For the most part, units that have a US physical presence tend to have less problems either because we are making

a positive change, and/or because they are afraid that we are watching them,” according to one U.S. military trainer with significant experience in Colombia. U.S. assistance “gives an opportunity to influence,” another military trainer with experience in Colombia, now working in the Joint Chiefs of Staff office told FOR. “If you look at when we didn’t assist – like in Guatemala, there was no assistance in the worst period. When assistance began again, human rights violations declined.”³² In Colombia, with the exception of the Sixth Brigade operating in Tolima, the data on reports of army killings don’t support that thesis.

Civilian Killings and Colombian Soldiers Trained by U.S. in Previous Two Years



Higher levels of violence in some areas than others. Some observers have suggested that the larger numbers of extrajudicial killings are occurring in areas with high levels of violence. “The number of combat deaths, the number of violent combat operations, all of those numbers there are much higher than in other parts of the country, and so the fact that we may have a high number of allegations of extrajudicial killings is actually consistent with this overall level, much higher levels of combat,” an Embassy officer told FOR in 2008.³³

If there were a correlation between levels of overall reported violence and levels of reported extrajudicial killings, is this a valid explanation for the increases in extrajudicial killings after units received U.S. assistance? One hypothesis holds that U.S. assistance is directed to areas with high levels of overall violence. This might suggest higher levels of extrajudicial killings (as well as other violence) than in areas where the military received less U.S. assistance. But it would not explain changes in the number of reported army killings, unless the overall level of violence also grew after increases in U.S. assistance. Such an overall increase in violence would also raise serious questions about the efficacy of assistance, since it would indicate that U.S. assistance was contributing to or part of greater violence overall.

According to the *Coordinación Colombia-Europa-Estados Unidos* (CCEEU), the “overwhelming majority” of killings analyzed in this study were false positives. An analysis by the Colombian Inspector General’s office in 2009 outlined five modalities employed in such killings:

1. Recruitment of victims by private citizens who delivered them to soldiers.

2. Arrest of victims by the military.
3. Arrest by military of informants or collaborators with illegal armed groups, with help from former combatants.
4. Arrest of victims by paramilitary groups who turned them over to military to be executed and presented as killed in combat.
5. Arrest of victims by military and turned over to illegal armed groups to be executed.³⁴

These modalities do not appear to correspond to higher levels of overall violence, and in some cases might more accurately correspond to lower levels of guerrilla activity, or greater difficulty in militarily engaging guerrillas on the battlefield.

Increased number of soldiers in assisted units. If U.S. support allowed for an increased number of soldiers in each assisted unit, then this could contribute to explaining why assisted units had more reported executions on average. In fact, the number of army soldiers overall nationally nearly doubled during this period: from about 145,000 at the end of the 1990s, to some 285,000 in early 2010. However, most of this growth was accommodated by adding new units: two new divisions, twelve territorial brigades, 19 mobile brigades, and 11 special forces groups were established during this period.³⁵ The number of troops in each brigade did not grow significantly, certainly not in proportion to the growth in reported executions during the same period.

Changes in population in jurisdictions of assisted units. If regional populations grew or declined significantly, this may have provided more “opportunity” for civilian killings. However, we found no correspondence between population and numbers or changes in reports of civilian killings.

Possible differences in reporting killings by assisted units. One possible explanation of increases in reports of army killings is an inclination to report killings by units assisted by the United States more than those not assisted. Other investigators have found that many homicides in Colombia go unreported.³⁶ We believe this explanation is implausible, however, because U.S. assistance is typically not visible either to the population or to human rights groups, except for some highly publicized cases. The “push into the South” in Putumayo and Caquetá in the 2000-03 period received much public attention, for example, but the increases do not reflect such highly public examples of U.S. assistance.

The differences between U.S. ambassadors or U.S. presidencies.

Ambassadors set the tone and priorities in an embassy. Possible explanatory factors for the failure to fully implement the Leahy Law include the different ways that three successive U.S. ambassadors addressed human rights concerns generally and Leahy implementation specifically. Such an explanation would assume that the embassy has a critical role in the setting of such priorities.

Ambassador Anne Patterson (1999-2003) oversaw the beginning of Plan Colombia, which according to one Congressional observer was “dumped on” her. While assistance to some units was suspended during Ambassador Patterson’s tenure, she also participated in the process for the first human rights certifications of the Colombia military.

Ambassador William Wood (2003-07), on the other hand, reportedly did not act to suspend assistance to a single military unit, oversaw an expansion of geographic reach of assisted units, and was chief of mission at the time the Army created institutional incentives for body counts, which appears to have contributed to the rapid growth of extrajudicial executions reportedly committed by the Army in 2006 and 2007.

Ambassador William Brownfield (2007-present) has overseen both the contraction of U.S. military assistance approved by Congress, the eruption of the “false positives” scandal and consequent pressure to take action, and the suspension of U.S. assistance to several units, including the 11th Brigade, Second and Seventh Division commands, and 14th Engineering Battalion.³⁷

Whereas the embassy in Bogotá has the bulk of responsibility for Leahy vetting, the human rights certification that controls about \$100 million in military assistance a year is “a Washington-driven process,” Ambassador Wood told FOR. The process requires the Secretary of State to certify that the Colombian government is “vigorously investigating and prosecuting” members of the military credibly alleged to have committed gross rights violations and is severing links with paramilitary groups. While human rights concerns – especially in Congress – have delayed or put a hold on funds subject to certification, the State Department has never ultimately declined to issue the certification.

One hypothesis is that U.S. assistance increased the perceived legitimacy of those units receiving assistance, and that such externally-created legitimacy brought with it a greater sense of impunity and entitlement. “Colombians can train soldiers just as well as a gringo can. But it’s that psychological impact that a gringo is helping,” the U.S. military trainer told FOR. “That psychological impact may only be for a few months. But if he thinks he’s better, that’s a good thing.”³⁸

Colombian military leaders have emphasized that “legitimacy is the center of gravity” of their counterinsurgency fight, and it is clear that a perception that the armed forces respect human rights is central to such legitimacy. Recognition by the Secretary of State, in the form of periodic certification of respect for human rights may be perceived as legitimizing the Colombian military’s conduct. “The human rights certification of the armed forces by the U.S. Department of State is a recognition of the effort realized by the Army in this matter,” General Montoya said in April 2007, even as the number of reported civilian killings by the Army was at its peak.³⁹

Why has the Leahy Amendment not been implemented effectively in Colombia?

One hypothesis is that the State Department was unaware of credible reports of abuses. Public reports by the media and human rights organizations often concentrate on several selected key cases of reported abuses. Until recently, *Noche y Niebla* and the CINEP database were the most thorough publicly available information on reported killings. However, less than 25% of the victims whose cases are analyzed in this study were listed in the CINEP database. While in many cases the CINEP database documented abundant evidence of executions to merit suspension of aid, for some Army units there were few

reports directly attributed to the unit in the CINEP database.⁴⁰ In 2008, CCEEU released a report that indicated reports of extrajudicial executions by 28 army brigades, although it did not include individual case information.⁴¹

The Embassy also has available the records of investigations undertaken by the Prosecutor General's and Inspector General's offices. The Prosecutor General's office provided Colombian human rights organizations in 2009 with a list of 1,726 names of victims and dates of alleged extrajudicial executions since 2002 that it was investigating. The list did not indicate the units of soldiers under investigation.

In the early years of Plan Colombia, U.S. Ambassador Curtis Kamman expressed frustration with the conditions of relevant records on investigations into reports of abuses. "Record keeping in each institution is marginal at best," Kamman reported. "Those databases that do exist are poorly maintained. Local offices do not always provide information to central offices in Bogotá. Finally, there is the will and interest of the searchers to actually find requested information."⁴²

Human rights organizations and Embassy personnel continue to observe difficulties in obtaining consistent national and comprehensive information on the status of investigations into extrajudicial killings from the Prosecutor General's and Inspector General's offices.

The Embassy may have only considered reports that identified a specific unit responsible for a violation by name as "credible evidence" that members of the unit were responsible. Without a geographic analysis of unit jurisdictions, the 1,927 killings attributed to the military studied in this report for which a unit was not identified could have completely escaped Leahy implementation.

For some units, greater resources devoted to human rights vetting by the State Department may have resulted in more extensive documentation of serious abuses. Whatever the inadequacies of information obtained by Embassy personnel in the past, there are now abundant credible reports of extrajudicial executions committed by nearly every army territorial brigade, and most mobile brigades.

Another hypothesis holds that the State Department knew of problems in units but that officials in Washington discounted them or placed a higher priority on other perceived policy objectives. Ambassador Wood told FOR in an interview that embassy staff took the vetting process seriously, leading to delays in assistance of up to six months. "It ended up becoming counterproductive," he said of vetting. The lower priority placed on implementing human rights objectives was reflected in the repeated certifications by the Secretary of State. Such an ordering of priorities could have been reinforced by a perception that the reports provided by human rights NGOs are not sufficiently "credible" and must be tempered by Army claims to the contrary.

Unit Studies

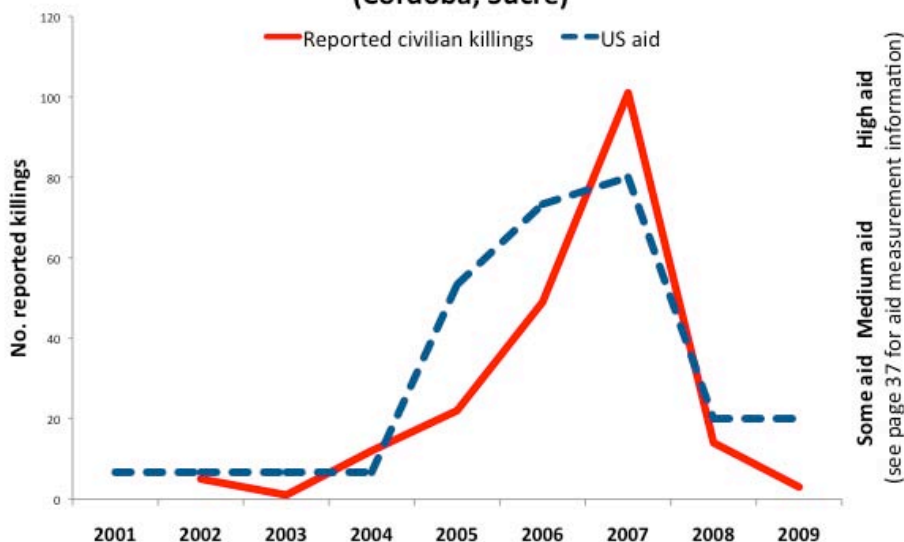
Eleventh Brigade. The Eleventh Brigade operates in the Caribbean departments of Córdoba and Sucre, as well as the Bajo Cauca area of northeastern Antioquia. These zones in the late 1990s became the cradle of paramilitarism in Colombia. Paramilitary leaders here established training camps, operated freely, and established alliances with local business and political elites. It was in Córdoba that 26 politicians signed the “Ralito Pact” with paramilitaries in 2001 to “re-found the nation,” which became a basis for the “parapolitical” scandal, in which nearly 30 percent of the Colombian Congress is under investigation or has been jailed due to their ties to paramilitary groups. In this context, the 11th Brigade advertised on its web site the sale of weapons, including machine guns. Current Army commander Oscar González Peña commanded the brigade in 2002-03. By 2005, the guerrilla presence in Córdoba and Sucre was negligible, and there was not a significant amount of coca leaf planted in the area. There was no clearly visible strategic value in U.S. assistance to the brigade.



Yet in 2005, after no direct unit assistance to the brigade at least since Plan Colombia began in 2001, the United States approved and assisted six battalions in the 11th Brigade, as well as the brigade command. In the previous year, 12 killings had reportedly been committed by the army in the brigade’s jurisdiction; witnesses in four of them had identified 11th Brigade members as authors. The year U.S. assistance began, 22 killings were reported.

The following year, 2006, 49 army killings were reported in the 11th Brigade’s jurisdiction, all but five of them under preliminary investigation by the Inspector General or Attorney General’s office as of 2009,⁴³ yet the United States continued to vet and assist virtually the entire brigade in 2007. In 2007, the number of reported army killings in the jurisdiction increased to 101. These included the killing of Leonardo Montes by a U.S.-assisted battalion

Figure 5: US aid /Extrajudicial killings: 11th Brigade (Córdoba, Sucre)



in which Montes’ brother was a soldier. The soldier tried to prevent the murder of his brother, who had been picked up as part of a plan to “legalize” a killing and count him as a guerrilla killed in combat, but was not successful.⁴⁴ When a battalion commander and six other soldiers from the brigade were arrested in April 2008 for collaboration with a paramilitary successor

group competing for drug trafficking routes in the region, the United States finally suspended assistance to the brigade.⁴⁵ After U.S. assistance was suspended, the number of reported army killings in the brigade's jurisdiction fell precipitously – to 14 in 2008 and three last year.

A large majority – 67.3% – of the civilian killings in the 11th Brigade's jurisdiction that were attributed to a unit were reportedly carried out by members of the 11th Brigade.⁴⁶ For any one of the 167 killings reportedly committed by the Army in the brigade's jurisdiction for which a unit was not identified, the location of the incident in the brigade's jurisdiction indicates a probability that it was carried out by 11th Brigade soldiers.

FOR asked State and Defense Department officials on four different occasions what mission was served by assisting the 11th Brigade, but none had a definite answer. Some non-governmental analysts speculated that the assistance might have been in support of the operation against FARC commander "Martin Caballero," which culminated in the bombing of his camp in October 2007. This may be the case. However, Caballero's camp was located outside of the 11th Brigade's jurisdiction, and the operation was carried out by the Caribbean Joint Command and reportedly led by the Second Infantry Brigade.⁴⁷

Codazzi Battalion. The Agustín Codazzi Engineering Battalion operates as part of the Third Brigade in Valle de Cauca, and has received unit assistance from the United States every year going back at least as far as the 2000-03 period. Individuals from the battalion also received assistance in periods when it was not vetted (presumably during the 2000-03 period).



In 2004, CINEP reported on the killings, reportedly by members of the Codazzi Battalion, of Carlos Rodrigo Largo in Corinto, Cauca on June 16 and of Claudia Patricia Morales in Palmira, Valle, on March 14. The killing of Largo was part of a village raid in which Codazzi troops reportedly threatened, robbed and beat villagers. There is no record that these killings were investigated by the Attorney General's office or Inspector General's office. In 2007 the Codazzi Battalion was identified as the author of ten civilian killings, and the same number again in 2008.⁴⁸ Only four of the twenty reported executions in 2007-08 are under investigation by the Attorney General's office. There are no reported convictions.

In spite of credible reports of gross violations of human rights in 2004, and 20 subsequent reported killings by this single battalion, the United States continued to provide assistance to the unit between 2008-2010.

While engineering battalions do build roads and wells, they also engage in combat. Although the Third Brigade has 12 battalions, the Codazzi was reportedly responsible for 22 out of 53 executions attributed to the brigade. Yet, it was the only unit in the brigade that continued to receive assistance from 2008 to 2010. The Codazzi is one of several engineering battalions receiving U.S. assistance in brigades that otherwise receive little or no direct U.S. support.⁴⁹

Ninth Brigade. The Army's Ninth Brigade operates in the southern department of Huila and is made up of five combat battalions, support and training battalions, and an anti-kidnapping group.⁵⁰ When the Ninth Brigade's command and units were vetted for the first time in the summer of 2005, 16 civilian killings had reportedly been committed by the military in Huila since the beginning of 2002. Five of these are under investigation by the Inspector General's office, though all of the investigations were stalled as of mid-2009. In 2006, another 17 army killings were reported, but the U.S. continued to assist four combat battalions in 2007, including the Magdalena and Pigoanza Battalions. That year, every army killing reported in the brigade's jurisdiction attributed to a specific unit was reportedly committed by one of these two U.S.-assisted battalions.



In 2008, the United States finally suspended assistance to the Magdalena and Pigoanza Battalions. Twenty-eight killings were attributed to the two units that year, and none in 2009. Yet the U.S. continues to assist the brigade command, presumably on the assumption that it was not responsible for these two units, despite the fact that an additional 22 killings by the military were reported in the brigade's jurisdiction in 2008, in addition to those attributed to the Magdalena and Pigoanza Battalions.

The brigade's commander from at least September 2006 to November 2007 (a period when the brigade command staff and three battalions were vetted and assisted) was Colonel Jaime Alfonso Lasprilla Villamizar, who was fresh from a 10-month course at the National War College in Washington. In 2002-03, then-Lt. Col. Lasprilla served as an instructor at the School of the Americas, where he had also been a student as a cadet. During his term as Ninth Brigade commander, at least 49 civilian killings were reportedly committed by the army in the brigade's jurisdiction, 31 of them attributed by witnesses directly to Ninth Brigade soldiers. Lasprilla was subsequently promoted to the rank of brigadier general and commander of the U.S.-supported Task Force Omega. He currently commands the Army's task force in the conflictive Paramillo Knot (Nudo de Paramillo) area.

Nearly all – 97.6% – of the 85 civilian killings in Huila attributed to a unit were reportedly carried out by members of the Ninth Brigade. For the 49 killings reportedly committed by the Army for which a unit was not identified, the location of the incident constitutes credible evidence that they were carried out by Ninth Brigade soldiers.

Sixth Brigade. The outlier to the pattern of killings increasing after U.S. assistance is the Sixth Brigade, operating in Tolima Department. The brigade's command staff received assistance from 2000 to 2005. During that time, 50 civilian killings by the military were reported in the brigade's jurisdiction, including the well-known Cajamarca massacre of five people in April 2004. In 2006 and 2007, assistance to the brigade ceased, and the number of civilian killings increased during that period. Aid to the command staff resumed in 2008, together with aid to the brigade's anti-kidnapping group, after soldiers were convicted for the Cajamarca massacre, and in the period following this assistance, the number of reported killings fell



from 53 to 21. The following year, after the U.S. increased assistance again, to include three combat battalions in the brigade, the number of reported killings fell to zero in 2009. This could be interpreted as a positive impact of U.S. aid on the human rights conduct of this brigade. On the other hand, in 2008-09, and again this year, the United States has been fully assisting a brigade in whose jurisdiction the Army reportedly killed 124 civilians since 2002, in clear violation of the Leahy Law.⁵¹

A high percentage – 87.5% – of the 42 civilian killings in Tolima attributed to a unit were reportedly carried out by members of the Sixth Brigade. For the 82 killings reportedly committed by the Army for which a unit was not identified, the location of the incident constitutes credible evidence that a large majority were carried out by Sixth Brigade soldiers.

Fifth Brigade provides an example of a unit receiving little U.S. assistance and showing lower than average reports of civilian killings. The Army's Fifth Brigade has jurisdiction in most of Santander department, and until the formation of the 30th Brigade in 2005, it had responsibility for the Catatumbo region of North Santander and southern Cesar as well. During the 1980s and 1990s, the brigade was reportedly responsible for a number of abuses, documented by the *Nunca Más* (Never Again) project, together with the 2nd Mobile Brigade, then operating in the region.⁵² More recently, in comparison to other brigades and their jurisdictions, there are not as many civilian killings attributed to the Army.



Nevertheless, 52 killings attributed to the army have been reported in the brigade's jurisdiction since 2002, and 20 of these directly identified Fifth Brigade troops as responsible. Twenty-four were under investigation by the Attorney General's office, yet only one had reached a verdict by July 2009. The brigade's Rafael Reyes Battalion was implicated in the killing of five victims as part of the Soacha scandal.

The brigade has not been a significant focus of U.S. assistance. Its command staff and battalions have not been vetted to receive aid since 2000. However, individuals from the command staff and eight component units were assisted during this period. This included training at the National War College in Carlisle Barracks, Pennsylvania.

Nearly all – 90% – of the 20 civilian killings in the Fifth Brigade's jurisdiction attributed to a unit were reportedly carried out by members of the Fifth Brigade. For the 32 killings in the jurisdiction reportedly committed by the army for which a unit was not identified, the location of the incident constitutes credible evidence that they were carried out by Fifth Brigade soldiers.

Sixteenth Brigade. Formed in 1992 in the eastern oil-producing department of Casanare, the 16th Brigade was reportedly responsible for an increasing number of extrajudicial executions after 2004, with a high number in 2007. Ninety-one civilian killings have

reportedly been committed by the army in the brigade's jurisdiction since 2002; thirty-one of these were attributed by witnesses directly to members of the 16th Brigade.

The 16th Brigade began receiving U.S. assistance in 2005, and did so for three consecutive years. Assistance was focused on four combat battalions; the United States approved assistance for the command staff and two other battalions, but reportedly did not implement the assistance. During the three years of assistance to the 29th Counterguerrilla Battalion, the unit reportedly committed four civilian killings; no reported killings have been attributed to the battalion before aid began or since aid to it ceased in 2008. The same is the case for the 44th Infantry Battalion, assisted from 2005 to 2008, during which time four extrajudicial killings were attributed to it.



Eleven civilian killings were attributed to the brigade's anti-kidnapping unit (GAULA), nearly all of them in 2007. The United States assisted individuals in the unit between 2000 and 2007, but we were not able to determine when or what kind of assistance was given.

Nearly all – 96.3% – of the 31 civilian killings in Casanare attributed to a unit were reportedly carried out by members of the 16th Brigade. For the 60 killings in the department reportedly committed by the army for which a unit was not identified, the location of the incident constitutes credible evidence that they were carried out by 16th Brigade soldiers.

Eighteenth Brigade. The 18th Brigade operates in conflictive and oil-producing Arauca Department, on the border with Venezuela. The Fifth Mobile Brigade also operates in the area. The 18th Brigade was an important focus of U.S. assistance until 2008, especially after the authority for assistance expanded beyond counternarcotics aid in 2002. The Fifth Mobile Brigade also has received U.S. assistance since at least 2003. For the first time since then, this year the United States did not approve the mobile brigade's command staff for assistance, but it continues to approve four counter-guerrilla battalions for aid.



The 18th Brigade became a prominent focus of human rights and labor groups and the U.S. Embassy in 2004, when troops killed three trade unionists. The previous year, eight killings were attributed to the brigade, including a massacre of four indigenous persons and the rape of four teenaged girls on May 5, 2003, allegedly committed by members of the 'Navas Pardo' Engineering Battalion dressed in paramilitary uniforms.⁵³ The battalion was supported by the United States during the 2000-03 period and again in 2005-2007 (the unit was vetted but not assisted in 2004). There were civilian killings attributed to the brigade each year, but the United States continued to assist the brigade's command staff and even increased the number of battalions assisted through 2007.

Most – 75% – of the 44 civilian killings in Arauca attributed to a unit were reportedly carried out by members of the 18th Brigade; the remainder were carried out by mobile brigades that also have consistently received U.S. assistance. For the 63 killings in the department reportedly committed by the Army for which a unit was not identified, the location of the incident suggests that they were likely carried out by 18th Brigade soldiers.

Fourth Brigade. The Fourth Brigade, with headquarters in Medellín and jurisdiction for much of Antioquia, has been a powerhouse of the army, with several of its commanders rising to leadership of the military in recent years, including the current and penultimate army commanders.⁵⁴ Extrajudicial killings by the army in the brigade’s jurisdiction also outnumber by far those of any other brigade – 608 since 2002, with more than 100 a year from 2004 through 2007. Human rights organizations have extensively documented these killings, including responsibility of the Fourth Brigade, particularly in a 2007 report on extrajudicial executions in eastern Antioquia.⁵⁵



The Fourth Brigade as such has not been approved to receive U.S. assistance, indicating that whatever correlation exists between aid and levels of extrajudicial killings, there appear to be other factors present. However, there are at least five avenues by which army units operating in the Fourth Brigade’s jurisdiction have received and apparently continue to receive such assistance. These avenues are: aid to the regional army intelligence unit based in the Fourth Brigade; aid to an urban special forces unit in Antioquia; aid to individual members of the Fourth Brigade; aid to the 11th Mobile Brigade operating in the jurisdiction; and assistance in the past to current brigade officers.

The Army’s Seventh Regional Intelligence Unit, known as RIME No. 7 and based at the Fourth Brigade in Medellín, supplies intelligence to support brigade operations. The United States has assisted the RIME No. 7 in 2006 and 2007, and has continued to approve aid to the unit since then. Army commander General González Peña confirmed to FOR that these units continue to have the presence of U.S. military advisors.⁵⁶ Assistance to the army intelligence unit that supports the Fourth Brigade is a crucial form of assistance to the brigade itself.⁵⁷

The United States has aided individuals from the command staff and 13 different Fourth Brigade units since 2000, including the units identified most often by the Attorney General’s office and by human rights organizations as responsible for civilian killings.⁵⁸ The State Department has not disclosed what kind or how much assistance was given to individuals in these units.

The Urban Special Forces Anti-Terrorist Group No. 5, based in Medellín, has also received U.S. assistance, in 2006-07. Members of this unit reportedly killed four civilians in Ituango in 2004 and Medellín in 2005 and 2006, with official investigations still in early stages as of 2009. Yet the unit has continued to be approved for assistance since 2008.

Since 2006, the United States has also assisted the 11th Mobile Brigade, which operates in parts of Antioquia. The Attorney General's office has opened investigations into four killings reportedly committed by the 11th Mobile Brigade in Ituango in 2005-06, within the Fourth Brigade's jurisdiction. None had moved past an investigative stage in 2009, but the State Department has continued to approve the 11th Mobile Brigade for assistance.

Finally, Fourth Brigade officers have received extensive U.S. assistance from before their tenure in the Fourth Brigade. The current commander, Brigadier General Alberto José Mejía Ferrero, trained and studied for several years in U.S. military institutions, including Fort Benning, Georgia; Fort Leavenworth, Kansas; the Army War College; and the Naval Postgraduate School. Former Fourth Brigade commanders also received extensive U.S. training before rising in the ranks.

Aid to individuals, aid to commanders given previous to their service in the brigade, and aid to the regional intelligence unit did not figure in the metric we used to measure assistance, since it was impossible to do so comprehensively for all brigades. But this review shows that even if other factors contributed to the high rate of reported executions in the Fourth Brigade's jurisdiction, credible evidence of violations requires suspension of assistance to all army units (and individuals within them) currently receiving U.S. aid in that jurisdiction.

Seventeenth Brigade. Soldiers of the 17th Brigade have reportedly been involved in hundreds of violations against members of the Peace Community of San José de Apartadó and of several Afro-Colombian and indigenous river communities in Chocó department. These include a large number of killings of civilians, including the massacre by machete of eight individuals, including three children, in San José, on February 21, 2005, in collaboration with paramilitary gunmen.



In August 2005, the State Department reported that it had informed the Colombian government that the United States "will not be providing assistance to the 17th Brigade until all significant human rights allegations involving the unit have been credibly addressed."⁵⁹ State Department officials also informed FOR that assistance to the 17th Brigade had been suspended since at least 2002, although individuals from the brigade received de-mining assistance during this period. Moreover, the suspension apparently did not apply to the Marine Infantry battalion nominally attached to the 17th Brigade and based in Turbo. In 2005, international observers witnessed U.S. uniformed personnel carrying out apparently-official activities on the Turbo base.⁶⁰ In its human rights certification "justification" document in May 2006, the State Department cited several measures taken to improve the brigade's human rights performance and to investigate the February 2005 massacre, although the suspension of aid to the brigade was apparently still in force.⁶¹

Eighth Brigade. The Eighth Brigade operates in the coffee-growing departments of Quindío, Risaralda and portions of Valle de Cauca. Since 2002, ninety-six civilian killings have been reportedly committed by the army in the brigade's jurisdiction, with 42 of them attributed



directly to the brigade. The brigade's Cisneros Engineering Battalion reportedly committed nine of these killings, mostly in 2006 and 2007.

The Cisneros Battalion received U.S. assistance for several years between 2000 and 2005, and was vetted to receive aid in 2008. Additionally, individuals from several combat units and command staff received aid, as did a service and support company. The brigade's anti-kidnapping unit was vetted for assistance in 2008, although the killing in 2004 of Juan Pablo Bueno Pérez, attributed to the unit, is under preliminary investigation by the Attorney General's office.

Every single one of the 41 civilian killings in the Eighth Brigade's jurisdiction attributed to a unit was reportedly carried out by members of the Eighth Brigade. For the 55 killings in the jurisdiction reportedly committed by the army for which a unit was not identified, the location of the incident constitutes credible evidence that they were carried out by Eighth Brigade soldiers.

Seventh Brigade. The Seventh Brigade operates in southern Meta and Guaviare departments (until the 22nd Brigade, which operates in Guaviare, was created in 2008). Four mobile brigades also operate in the area. A total of 256 civilian killings by the army have been reported in the brigade's jurisdiction since 2002; of these, 81 were attributed either to the Seventh Brigade or one of the mobile brigades. Officers of the Seventh Brigade and its Joaquin Paris Battalion were implicated in the Mapiripán massacre in 1997, in which paramilitaries massacred or disappeared 49 residents over the course of five days. Twenty-two killings have been attributed directly to soldiers of the brigade's 21st 'Vargas' Battalion.

The United States approved assistance to the Seventh Brigade's engineering and anti-kidnapping units in 2008 and 2009, as well as assistance to individual soldiers during earlier years in the Joaquín Paris Battalion, brigade command, and six other units in the brigade. The 'Albán' engineering battalion reportedly shot two men at a roadblock on July 26, 2003, killing one of them; accounts differ on whether the men were stopped or were fleeing the roadblock.⁶²



The Fourth Mobile Brigade, to which 23 killings were attributed, primarily in 2006 and 2007, has been vetted as eligible for assistance since 2003. The Seventh Mobile Brigade, also operating in Meta and part of the Rapid Deployment Force, reportedly committed two civilian killings in January and April 2008; it has received U.S. assistance every year since 2003. The Ninth Mobile Brigade has also received U.S. assistance every year since 2003; in 2005, *Noche y Niebla* reported that Ninth Mobile Brigade troops killed Florentino Quiroga and claimed he was a guerrilla killed in combat.⁶³

The 12th Mobile Brigade, to which 12 killings were attributed in 2006, was vetted and assisted in 2006. At the time, the brigade was commanded by Colonel Carlos Hugo Ramírez Zuluaga, who had been named in the 1994 book *Terrorismo de Estado de Colombia* as a paramilitary death squad collaborator.⁶⁴ In April 2006, according to CINEP, soldiers from the 12th Mobile Brigade opened fire on a civilian dwelling in San Juan de Arama, and

continued shooting even after people fleeing the dwelling shouted to stop and the wounded were heard crying out. The soldiers killed 10 people, including three children.⁶⁵ In 2007, the brigade stopped receiving assistance, and only one execution was attributed to it that year, and none in 2008.

Because so many mobile brigades operate in the Seventh Brigade's jurisdiction, and approximately half of all executions reported in the jurisdiction were allegedly committed by mobile brigade troops, it is difficult to attribute executions to a unit in Meta and Guaviare when the unit was not identified by witnesses. However, there is credible evidence of executions committed by members of the Seventh Brigade and all four mobile brigades operating in the area for which effective measures have not been taken to bring those responsible to justice.

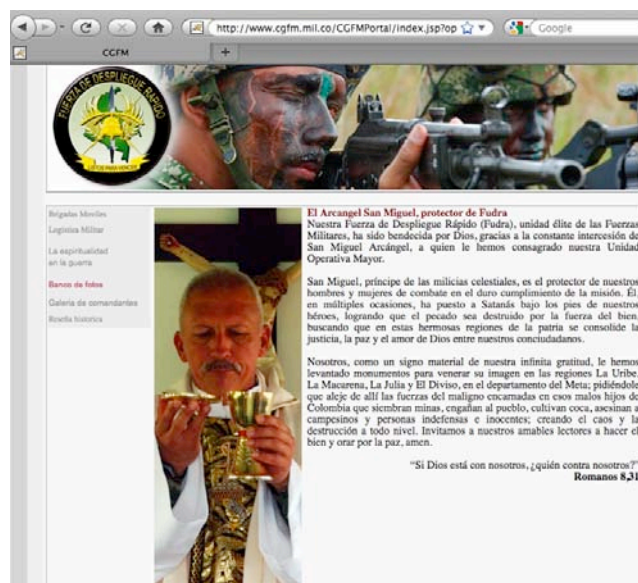
FUDRA and La Macarena Grave Site

Within the spectacularly beautiful national park of La Macarena in Meta Department, the army's Rapid Deployment Force has a base. The Rapid Deployment Force, or FUDRA in its Spanish acronym, initially was formed from several brigades in December 1999. FUDRA is "the tip of the spear of the Colombian military strategy,"⁶⁶ and has been a centerpiece of Task Force Omega, at the heart of the United States' support for the war against the FARC with a special focus in La Macarena in south-central Colombia. FUDRA and its five component mobile brigades (1, 2, 3, 7 and 10) have all been vetted to receive (and typically have received) U.S. assistance since 2005.⁶⁷

In 2009, investigators discovered a large gravesite next to the FUDRA base in La Macarena. Initial reports indicated that the army, possibly in combination with other armed groups, had deposited more than 800 and as many as 1,500 bodies in the site.⁶⁸ Until 2002, the site was part of territory controlled by the FARC, which also reportedly buried dead there, but since then the army has brought bodies from other municipalities to be buried on the site, according to local authorities. Task Force Omega commander General Javier Florez asserted that the army had conducted burials in a legal manner.⁶⁹ Local residents have reportedly filed complaints that the burial site is in danger of contaminating drinking water sources.⁷⁰

Soldiers from the 78th Counter guerrilla Battalion in the FUDRA's Tenth Mobile Brigade killed five civilians and claimed them as guerrillas killed in combat in 2005 in Guaviare Department, according to Dairo Alberto Borja, a soldier who participated in the massacre and is currently under witness protection.⁷¹ Although the killings only came to light in 2010, the United States has vetted and assisted the 78th Counter guerrilla Battalion since 2005.

FUDRA appears to be proud of its reputation as a brutal force. A page on its website titled, "Archangel Saint Michael, FUDRA's Protector,"



praises St. Michael because “He, on multiple occasions, has put Satan under the feet of our heroes, achieving the destruction of sin by the force of good.” The page concludes with a quote from Romans that must be chilling for Colombian human rights activists: “If God is with us, who is against us?”⁷²

General Alejandro Navas Ramos, appointed commander of the army in July 2010, commanded the FUDRA from 2004 to 2006.

Tenth Brigade. The Tenth Brigade was established in August 2005, and operates in the northeastern Cesar and Guajira departments. Since that time, 174 killings by the army have been reported in its jurisdiction, 69 of them attributed directly to members of the Tenth Brigade. Witnesses attributed 16 killings to the ‘Rondon’ Cavalry Group and 14 to the ‘La Popa’ Battalion.’ The civilian courts have tried and convicted members of the ‘La Popa’ Battalion for two of these killings.

Except for approval this year of aid to the anti-kidnapping unit, the brigade as a whole has not received U.S. assistance. However, the United States has given assistance to *individuals* in virtually every Tenth Brigade unit, including the ‘Rondon’ Cavalry Group and ‘La Popa’ Battalion.

Nearly all, or 98.5%, of the 69 civilian killings in the Tenth Brigade’s jurisdiction attributed to a unit were reportedly carried out by members of the Tenth Brigade. For the 105 killings in the brigade’s jurisdiction reportedly committed by the army for which a unit was not identified, the location of the incident constitutes credible evidence that they were carried out by Tenth Brigade soldiers.



Twenty-eighth Brigade / Eastern Specified Command.

This brigade operates on the eastern plains of Vichada and Meta. The area is remote and sparsely populated, presenting great difficulties for the civilian population to denounce violations and for investigation. In 2000, U. S. Ambassador Curtis Kamman wrote that members of the 38th Counter guerrilla Battalion had reportedly “killed five businessmen and wounded eight others on February 1, 1998 in La Primavera, Vichada.”⁷³ The Attorney General’s office is investigating five killings reportedly committed by the military in Vichada in 2006, and one in 2008.



The Command was vetted for and received assistance in the 1990s.⁷⁴ More recently, the brigade has been approved for assistance every year, but may not have received assistance since 2004, when an officer from the brigade’s 32nd Counter guerrilla Battalion received human rights instruction at the School of the Americas.⁷⁵

Calibío Engineering Battalion. This unit forms part of the 14th Brigade and operates in the Middle Magdalena River region. The battalion received U.S. assistance from 2003 until 2008.



The battalion's troops reportedly committed 12 extrajudicial killings from 2006 to 2008, nine of which are under preliminary investigation by the Attorney General's or Inspector General's offices. No civilian killings have been attributed to the battalion since assistance ended in 2008.

Thirtieth Brigade. The 30th Brigade was formed in November 2005, and operates in North Santander Department, near the Venezuelan border. Shortly afterward, in January 2006, the army activated the 15th Mobile Brigade, operating in the same area. In August 2006, the 15th Mobile Brigade came under the command of Colonel Santiago Herrera.⁷⁶



In 2007, the United States vetted and assisted the 30th Brigade's command staff and three of its combat battalions.⁷⁷ While the 15th Mobile Brigade did not receive assistance as a unit, individuals from the brigade's command staff, as well as two battalions, received U.S. assistance.

In 2006, human rights organizations reported five killings attributed directly to 30th Brigade troops, and one attributed directly to the 15th Brigade. Another 11 killings were reportedly committed by the army in the brigade's jurisdiction. The killings of José Huger López and Geovani Pérez Ortiz in San Calixto on June 6, 2006, reportedly by 30th Brigade troops, was already under investigation by the Inspector General's Office in July 2007, at the time that the United States approved assistance to the brigade.⁷⁸

In 2007, ten more killings were attributed directly to the 30th Brigade, and 38 were attributed directly to the 15th Mobile Brigade. Another 27 killings reportedly committed by the army occurred in the 30th Brigade's jurisdiction. Both brigades came under extensive criticism, and the United States did not vet the 30th Brigade for assistance in 2008. Colonel Herrera left as commander of the 15th Mobile Brigade at the end of 2007, and in 2008 the number of killings attributed to the brigade fell by more than half.

The 30th and 15th Mobile Brigades, as well as the Second Division that commands them, came under scrutiny for the Soacha scandal in October 2008, as most of the young men were killed in their jurisdiction. The commanders and other officers from both brigades were dismissed because they were implicated in the scandal, although none have been prosecuted.

Twenty-third Brigade. The 23rd Brigade was formed in early 2009 and operates in the conflictive Nariño Department in southwestern Colombia, formerly in the jurisdiction of the 29th Brigade. In the brigade's first year of operations, the United States approved assistance to two of the brigade's battalions (Ninth Infantry Battalion and 93rd Counterinsurgency Battalion). This year, the U.S. continued assistance to these battalions and

in mid-2009 approved aid to the brigade command, led at that time by Colonel Joaquín Hernández Buitrago.

Gonzalo Rodríguez Guanga, an A'wa indigenous man, was killed on May 23, 2009, as he walked with his wife, Sixta Tulia García in the Gran Rosario community. Tulia García said that men with camouflage uniforms, black bandanas and yellow armbands detained her husband, took him 20 meters away and shot him in the head. The 23rd Counter guerrilla Battalion in Nariño filed a report about the killing, claiming that Rodríguez Guanga was a guerrilla killed as he fired a weapon.⁷⁹



Tulia García denounced the murder of her husband, and subsequently received threats. On August 26, 2009, armed men fired indiscriminately into a house in Gran Rosario, killing Tulia García and 11 other indigenous people.⁸⁰

Mobile Brigades. Colombia has used mobile brigades to bring the counterinsurgency war to the guerrillas, with strong U.S. support. According to former armed forces commander General Carlos Ospina (2003-06), “The fixed brigades have a territorial concept: the command staff is in the city, and that relation brings it closer to the people. They have territorial limits. The mobile brigades do mobile combat against the enemies, while the fixed brigades are more political.”⁸¹ Division commanders have authority for both fixed and mobile brigades.

The United States directed extensive assistance to mobile brigades during the study period, aiding 20 out of 25. Except for the 12th Mobile Brigade, 19 of these were vetted to receive assistance during the last two years.

From 2002 to 2009, extrajudicial killings were attributed directly to the 1st, 2nd, 4th, 5th, 6th, 7th, 8th, 9th, 11th, 12th, 13th, 15th, 17th, and 20th Mobile Brigades – 14 of the 25 mobile brigades operating during the period.

Other Units. More than 100 Colombian Army or joint units besides combat brigades receive U.S. assistance, and generally receive less attention than those that are in the field. These units are critical components that contribute at an institutional level to each unit’s conduct. In addition, the units are typically commanded by officers that have run combat units – many of them with histories of gross abuses. A further area for study and for implementation of the Leahy Amendment is to review the histories of commanders of non-combat units, including in brigades that reportedly committed extrajudicial killings under their command. For example, to promote human rights, the United States may wish to support the army’s human rights directorate (*jefatura*) created in 2009. That directorate is commanded by General Jorge Rodríguez Clavijo, who commanded the 17th Brigade in 2007. During that time, residents in San José de Apartadó experienced an increased presence of paramilitary gunmen, some of whom killed Dairo Torres on July 12, 2007.

Special scrutiny should be given to the military schools and training units proposed for assistance, since they have a multiplier effect on the bulk of troops.

Commander Case Studies

Just as brigade commanders have a strong impact on the conduct of their troops, army leadership sets the tone for the institution as a whole. U.S. assistance to the Colombian Army is institutional in nature, and both vetting and human rights evaluations should consider whether such leadership contributes to respect for human rights.

General Mario Montoya Uribe (former army commander). General Montoya was a star officer, prominently featured in U.S. media and government reports as well as commander of units supported by the United States.

Montoya served as a guest instructor for a year in 1993 at the U.S. Army School of the Americas (SOA), something only 20 Colombian officers had done before him. In 1997, the U.S. Army awarded him the Army Commendation Medal for his service at SOA.

In 1999, a Defense Intelligence Agency (DIA) cable praised Montoya as “highly decorated” and “widely respected,” who completed “multiple successful stints commanding combat units located along the troublesome northern border region.” The same cable dismissed reports that Montoya had collaborated with a paramilitary group earlier in his career, saying “evidence strongly suggests” this was “a smear campaign.” The DIA authors gave no evidence contradicting the claim, which was made in a 1993 book published by the Belgian branch of Pax Christi.⁸²

At the outset of Plan Colombia, U.S. resources were concentrated on the “push into the south,” in the departments of Putumayo and Caquetá, and the operations of Joint Task Force South, which was cordoned off from the military’s counterinsurgent units, to conduct specifically counter-narcotic operations. General Montoya commanded JTF-South from 1999 until October 2001. As FOR reported previously in 2008,⁸³ Colombian investigators in 2007 unearthed the bodies of 105 people believed to have been killed between 1999 and 2001 in the Department of Putumayo, following the discovery of hundreds more shallow graves in 2007. Most of the bodies found had been dismembered before burial.⁸⁴ A U.S. Embassy cable in 2000 noted persistent allegations that the 24th Brigade, under Montoya’s command, had “been cooperating with illegal paramilitary groups that have been increasingly active in Putumayo.”⁸⁵

When President Álvaro Uribe Vélez took office in August 2002, one of the first military offensives he promoted was Operación Orion in Medellín, in which army units battled urban guerrilla militias, took over poor sectors, and were followed quickly by paramilitary organizations led by Diego Murillo Bejarano, alias “Don Berna.” General Montoya then commanded the Fourth Brigade, which exercised joint jurisdiction for the operation, together with metropolitan police. In 2009, the Attorney General’s office opened an investigation into General Montoya based on “Don Berna’s” declaration that his men had collaborated with Montoya in the operation.⁸⁶

As part of Plan Colombia, the United States also promoted joint organizations and operations between the Colombian Army, Navy and Air Force. One of the first major ventures was the Caribbean Joint Command, of which Montoya was the first commander in 2005.

As commander of the Seventh Division, General Montoya also participated in ordering and the planning of the operation in February 2005 that led to the massacre of eight individuals in the Peace Community of San José de Apartadó. According to two colonels who also participated in the planning meetings, Montoya ordered the presence of “civilian guides” with army units on the operation, and these guides in practice were paramilitary gunmen of the Héroes de Tolová Block under the command of alias “Don Berna,” 60 of whom accompanied the army when the massacre took place.⁸⁷

When the *Los Angeles Times* published a leaked CIA report in 2007 that Montoya had collaborated with a paramilitary group responsible for killing civilians in Medellín, the State Department continued to support him. This was at the peak of civilian killings by the army.⁸⁸

General Montoya currently serves as Colombian ambassador to the Dominican Republic. No charges have been filed against him for his actions during his military career.

General Oscar González Peña

Army commander since November 2008, General González was described to FOR by a U.S. military trainer as a “Montoya protégé.” The trainer was referring to González’s approach to the conflict and human rights. But indeed, González followed in Montoya’s footsteps: as commander after Montoya of the Fourth Brigade, Joint Caribbean Command, VII Division, and the Army itself.

During the time that General González was commander of the Fourth Brigade from December 2003 to July 2005, units under his command reportedly committed 45 extrajudicial executions in eastern Antioquia, according to a report by CCEEU.⁸⁹ Asked about civilians killed by the Army, Gen. González Peña said in 2006: “The number of complaints is directly proportional to the success of the units. ... This is what some sympathizers of the subversives do to try to halt the military’s operations.”⁹⁰ The day after his appointment as army chief, he referred to claims of army violations as a “judicial war” against the military.⁹¹ In a generous interview with FOR, General González said any gross abuses committed by army troops were a result not of institutional incentives or impunity, but because of bad values received from their parents. He also confirmed that Directive 29 (which provides payment for information leading to killing guerrillas) is still in force.

General González Peña also commanded the 11th Brigade in Córdoba in 2002-03, when paramilitary forces operated freely in the area and the army apparently could do nothing about it. In 2005, he commanded the Seventh Division, with jurisdiction over the brigades with among the worst human rights records in the army: the 4th, 11th, 14th, and 17th Brigades.

U.S. military officers are aware of General González’s attitudes. “He represents – not a step back, but he’s definitely tainted,” an officer working in the Joint Chiefs of Staff told FOR. “It’s not in the best mutual interest of both our nations that he is the army commander. It makes it more difficult in Washington when there are characters like him.”

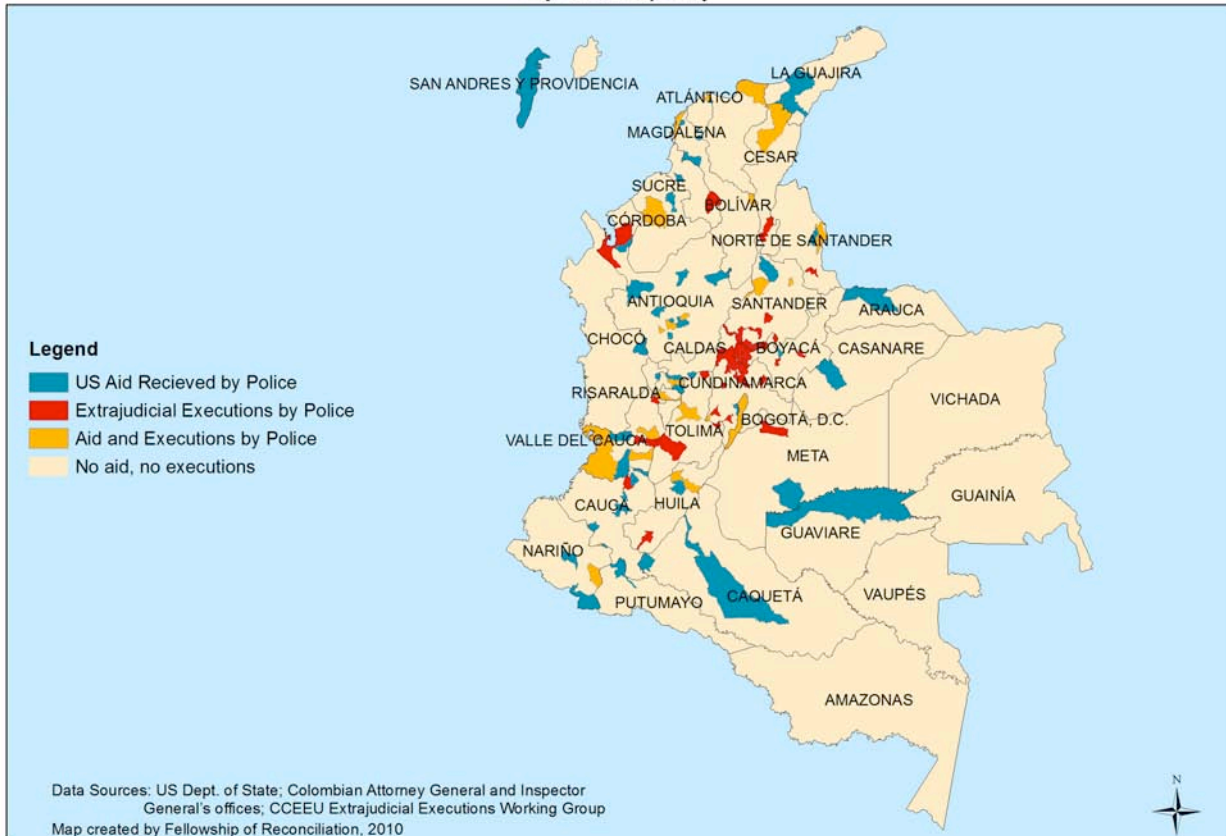
Police Killings

Although in the data we analyzed, more than 89% of killings for which a branch was identified were attributed to the Colombian Army, the Colombian National Police were reported responsible for 193 extrajudicial executions. The United Nations Special Rapporteur on Extrajudicial Executions, Philip Alston, recommended that “The Government should prioritize the investigation and prosecution of police killings. Civil society groups should place increased emphasis on researching and reporting such killings.”⁹²

The United States has provided extensive assistance to Colombian police. Although much of the assistance is focused on national anti-narcotic units, assistance has also flowed to city police in 67 municipalities, to departmental police in every department, to anti-kidnapping squads, and other units. A number of killings reportedly committed by police occurred in municipalities where city police received U.S. assistance. These include: Armenia, Barbosa, Barrancabermeja, Barranquilla (where 12 killings by police were reported), Bogotá (23 police killings reported), Bucaramanga, Buenaventura, Cartagena, Cucuta, El Peñon, Florencia, Girardot, Ibague, La Victoria, Manizales, Medellín (17 police killings reported), Monteria, Neiva, Palmira, Pasto, Pereira, Santa Marta, and Tuluá. Most assistance to city police was given either from 2007 to 2009, or to individual police from city forces not vetted for their human rights records. None of the 193 civilian killings reportedly committed by police had resulted in a known conviction or sentence as of mid-2009.

U.S. Aid to and Extrajudicial Executions by Colombian Police

Assistance to Colombian Police (2000-2009) and Extrajudicial Executions by Police (2002-2009)
By Municipality



U.S. Officials' Responsibility

U.S. officials responsible for the vetting process have credible information available to them from NGOs, publications, and judicial records. The human rights organization CINEP publishes an extensive registry of reported gross violations of human rights and international humanitarian law in a semi-annual report called *Noche y Niebla*, easily available to embassy officers. Although it does not report all cases, CINEP also makes available on their web site a searchable database of such reported violations. Both U.S. organizations and Colombian human rights organizations that represent victims of gross abuses meet periodically (approximately every 90 days) with State Department officials to consult and share information on human rights abuses and concerns.

The task of tracking reported abuses in relation to the more than 500 units in Colombia vetted each year is daunting. Yet although the U.S. Embassy staff in Bogotá continued to grow in size, according to the State Department Inspector General, special funds for vetting had to be appropriated by Congress to increase the staff assigned to the task. While the embassy employed more than 1,400 people in 2008, not including contractors, *only one was assigned full-time to vetting* the tens of thousands of candidates for military assistance each year.⁹³

Global Implications: U.S. Military Aid and Human Rights in Pakistan

Colombia is not the only country that has received large amounts of U.S. military aid in the last ten years. Our findings regarding the human rights impacts of U.S. military assistance in Colombia suggest the importance of examining the same questions in other nations receiving large amounts of such aid.

Pakistan has become second-largest recipient of U.S. military aid at present, with assistance aimed to serve U.S. counterterrorism goals in that country. The United States has increased support for law enforcement and counterinsurgency training and equipment for operations near the Afghanistan-Pakistan border, including \$400 million to train and equip the Frontier Corps in 2009 and 2010.⁹⁴ The Frontier Corps is a locally-raised militia that reports to Pakistan's Interior Ministry, except during wartime, when it reports to the military, with which it carries out joint operations in the Federally Administered Tribal Areas (FATA), a frontier province in Pakistan. In 2010 the United States will reportedly supply Pakistan with sophisticated laser-guided-bomb kits, 12 U.S.-made surveillance drones and 18 late-model F-16 fighter jets.⁹⁵

Types of Funds Received by Pakistan

The largest share of military aid is channeled through the **Coalition Support Fund (CSF)** and the **Pakistan Counterinsurgency Capability Fund (PCCF)** (Fig.1). CSF is used to reimburse Pakistan for conducting operations against al Qaida and Taliban forces along the Afghanistan border⁹⁶. It also includes the authority to provide supplies and specialized training and equipment.⁹⁷ Pakistan has deployed 120,000 military forces in the FATA and helped to kill and capture hundreds of suspected al Qaida operatives.⁹⁸ Government Accountability Office (GAO) reports indicate that the operations in FATA have been reimbursed to the Pakistan's 11th Army Corps and Frontier Corps.⁹⁹ CSF reimbursements are not officially designated as "foreign assistance," according to the Congressional Research Service.¹⁰⁰ GAO states that, "once paid, CSF reimbursement funds become sovereign funds and the U.S. government has no oversight authority over these funds."¹⁰¹

Figure 6**Direct Overt US Aid and Military Reimbursement to Pakistan, FY 2002- FY 2011**

(Rounded to the nearest millions of dollars)

Prepared for Congressional Research Service by K. Alan Kronstadt, Specialist, South Asian Affairs, June 7, 2010

Program of Accounts	FY2001-FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010 (est)	Program or account detail	FY 2011
1206	-	-	28	14	56	114	c	212	c
CN	-	8	24	49	54	47	38 ^c	220	c
CSF ^a	3,121 ^b	964	862	731	1,019	685 ^d	756 ^d	8,138 ^d	d
FC	-	-	-	-	75	25	-	100	-
FMF	375	299	297	297	298	300	298 ⁱ	2,164	296
IMET	3	2	2	2	2	2	5	18	4
INCLE	154	32	24	24	22	88	170 ^f	528	140
NADR	16	8	10	10	10	13	21	87	25
PCF/PCCF	-	-	-	-	-	400	700	1,100	1,200
Total Security Related	3.669	1,313	1,260	1,127	1,536	1,674^e	1,988	12,567	1,665

Sources: U.S. Departments of State, Defense, and Agriculture; U.S. Agency for International Development**Abbreviations:**

1206: Section 1206 of the National Defense Authorization Act (NDAA) for FY2006 (P.L. 109-163, global train and equip)

CN: Counternarcotics Funds (Pentagon budget)

CSF: Coalition Support Funds (Pentagon budget)

FC: Section 1206 of the NDAA for FY2008 (P.L. 110-181, Pakistan Frontier Corp train and equip)

FMF: Foreign Military Financing

IMET: International Military Education and Training

INCLE: International Narcotics Control and Law Enforcement (includes border security)

MRA: Migration and Refugee Assistance

NADR: Nonproliferation, Anti-Terrorism, Demining, and Related (the majority allocated for Pakistan is for anti-terrorism assistance)

PCF/PCCF: Pakistan Counterinsurgency Fund/Counterinsurgency Capability Fund (transferred to State Department oversight in FY2010)

Notes:

a. CSF is Pentagon funding to reimburse Pakistan for its support of U.S. military operations. It is not officially designated as foreign assistance.

b. Includes \$220 million for FY2002 Peacekeeping Operations reported by the State Department.

c. This funding is "requirements-based;" there are no pre-allocation data.

d. Actual CSF payments total about \$7.2 billion to date. Congress appropriated \$1.2 billion for FY2009 and \$1.57 billion for FY2010, and the Administration requested \$2 billion for FY2011, in additional CSF for all U.S. coalition partners. Pakistan has in the past received about 80% of such funds. FY2009-FY2011 may thus see an estimated \$3.4 billion in additional CSF payments to Pakistan.

e. Includes a "bridge" ESF appropriation of \$150 million (P.L. 110-252), \$15 million of which was later transferred to INCLE. Also includes FY2009 supplemental appropriations of \$66 million for INCLE and \$2 million for NADR.

f. The Administration's request for supplemental FY2010 appropriations includes \$40 million for INCLE and \$60 million for FMF funds for Pakistan. These amounts are included in the estimated FY2010 total.

There are reports that the Pakistani government has diverted funds and used them for the purposes other than serving US intentions.

Pakistan Counterinsurgency Capability Fund (PCCF): Established in 2009, the PCCF is used to replace equipment the Pakistani Army and the Frontier Corps loses during counter-terrorist operations, and includes \$1.1 billion for training and equipping counter-terrorist forces, including the Frontier Corps in 2009 and 2010.¹⁰² It was transferred to State Department oversight in FY2010, and is subject to Leahy vetting provisions.

Section 1206 and Other Funds: Section 1206 of the National Defense Authorization Act has since 2006 provided the Pentagon with the authority to train and equip foreign military and foreign maritime security forces, particularly for emergency needs. Pakistan has received the largest share of Section 1206 funds - more than \$300 million. **Foreign Military Financing (FMF)** funds, averaging \$300 million annually since 2004, have purchased helicopters, howitzers, and other military equipment. In addition, through **International Military Education and Training (IMET)** and FMF funds, the United States has brought thousands of Pakistani military personnel to the United States and other sites for training.¹⁰³ Leahy Law vetting is applicable to both IMET and FMF assistance. In October 2009, President Barack Obama signed into law the Enhanced Partnership with Pakistan Act 2009, known as the Kerry-Lugar Act, which promised military assistance over a period of five years to FY2014, and is also subject to Leahy vetting.

Human Rights Violations in Pakistan¹⁰⁴

Amnesty International, Human Rights Watch, Asian Human Rights Commission, Human Rights Commission of Pakistan, United Nations High Commission on Refugees (UNHCR) and other human rights organizations have reported forced disappearances, unlawful detention of suspected terrorists, extrajudicial executions, and massive internal displacement caused by military operations in FATA, North West Frontier Province (NWFP), and Balochistan. The State Department's human rights report for 2009 states that "ongoing battles with militants created a fluctuating number of internally displaced persons (IDPs). At year's end there were an estimated 1.2 million IDPs in the NWFP and FATA."¹⁰⁵ The Asian Human Rights Commission (AHRC) and Internal Displacement Monitoring Center (IDMC) estimate that *three million persons* were internally displaced in 2009, of which about half have returned home.¹⁰⁶ Human Rights Watch reported 200 documented cases of extrajudicial executions of alleged Taliban supporters and sympathizers in SWAT region committed in between August 2009 and March 2010¹⁰⁷. Independent journalists and local residents widely believe security forces were behind them.¹⁰⁸ *As if Hell Fell on Me*, a June 2010 report by Amnesty International based on interviews with nearly 300 people, says millions live in a "human rights free zone," where Pakistani soldiers have committed serious violations, including indiscriminate artillery fire and extrajudicial executions, as the army swept across the tribal belt over the past year.¹⁰⁹ The report documented human rights violations during joint operations carried out by the Pakistani Army and Frontier Corps.

Taking into account the reports on mass internal displacement, illegal detentions and extrajudicial executions committed by Pakistani security forces in SWAT and other border regions, military aid to Pakistan must be brought under rigorous scrutiny. To comply with the Leahy Amendment, embassy personnel must actively monitor the human rights behavior of military units that benefit from U.S. military assistance.

It is unclear whether Pakistani military units trained and equipped by the United States are participating in human rights violations. However, where there is credible evidence of gross abuses committed by an institution receiving assistance, the Leahy Law requires suspension of aid to the “smallest operational group in the field that has been implicated in the reported violation.”¹¹⁰ **In the case of the Frontier Corps, clearly implicated in serious violations, if the State Department cannot determine a smaller unit responsible for credible reports of extrajudicial executions, forced disappearances, and forced displacement, then the Leahy Law requires suspension of assistance to the Frontier Corps itself.**

Furthermore, DOD-funded assistance and reimbursements should not be exempt from the Leahy Law human rights vetting requirement. The fact that CSF funds are used to reimburse a foreign government for specific military operations, effectively making that military a proxy for U.S. policy, does not remove the goals of the Leahy Law itself: to prevent U.S. funds from being used to support militaries committing gross abuses of human rights.

Conclusions and Implications

In Colombia, U.S. military assistance continues at a high level. If Colombia represents the most rigorous application of the Leahy Law, what can be expected elsewhere? Moreover, the U.S. record in Colombia is seen as a model for policy in Afghanistan. The countries where major U.S. officials responsible for Colombia policy implementation during the period reviewed are now posted are unlikely to have the kind of detailed human rights documentation reflected in this study. In Pakistan, where Anne Patterson is now serving as ambassador, it is unclear whether and to what extent human rights vetting is occurring, much less what the prospective human rights impacts will be of more than a billion dollars in assistance to the Pakistani military. Defense Secretary Gates has publicly stated that he was mindful of the Leahy Law in Pakistan, but did not say that it was actually being implemented.¹¹¹

However, any evaluation of military assistance should not be limited to whether it complies with Leahy Law, which is in some respects a limited – if legally binding – measure. Consideration of military assistance should address the broader context of U.S. human rights goals and obligations. In modern times, armed conflict victimizes civilians at many times the rate of combatants. If external military aid is contributing to the extension of an armed conflict that itself generates human rights violations, then it is contributing to violations independent of the record of the specific assisted units.

In addition, suspension of aid to specific units under Leahy Law does not alter or reduce the overall amount of military assistance. If military aid to vetted units is fungible and allows the Colombian army to use its own resources to support units with histories of gross abuses, then Leahy Law is not sufficient to deny resources flowing from U.S. aid to abusive conduct. And if military aid is unsuccessful or wasteful in reaching its stated aims to reduce drug trafficking or violence, it represents a displacement of public funds from programs that meet other needs. These constitute reasons to seek a negotiated end to the armed conflict and to suspend all aid to the Colombian military.

Because such a large proportion of training and other assistance to Colombia comes under DOD authority, it is especially important that such assistance be transparent, considered by Congress as part of the appropriations cycle, and regularly evaluated for its human rights impacts.

We also recommend further study of several phenomena that we were not able to examine in depth in this study. These include:

- a) Collaboration between paramilitary forces and officers and members of the armed forces. Some observers suggest there may be a correlation between periods when executions attributed directly to the armed forces were high and periods when paramilitary killings were lower (and vice-versa, between period of intense paramilitary violence and relatively fewer reports of army killings). Particularly because ceasing collaboration between state forces and paramilitary forces is a criterion for U.S. human rights certification, units whose command staff include Colombian officers implicated in paramilitary confessions ("*versiones libres*") should be excluded from U.S. assistance.
- b) Relationship between forced displacement, reported extrajudicial killings, and units that received U.S. assistance.

Finally, apart from Leahy Law implementation, the increase in reported civilian killings by Army units after they received U.S. assistance raises serious ethical questions about such assistance in Colombia and in other nations where similar conditions of widespread impunity and warfare pertain.

Recommendations:

1. Congress should require the State Department to document the human rights records of units receiving U.S. assistance, and evaluate the human rights impacts of such assistance. The results should be unclassified and posted to the Department's web site.
2. The Department of State must fully implement Leahy Law in Colombia. At a minimum, this requires suspending assistance to brigades for which there is credible evidence of extrajudicial executions committed by its members, until and unless those killings are fully investigated and the civilian justice system reaches a judgment. Such evidence exists for all army divisions and nearly all brigades.
3. Relevant Congressional committees, the National Security Council and the State Department Inspector General should give increased scrutiny of U.S. military assistance in nations where conditions similar to Colombia's prevail (high levels of security force abuses, high levels of impunity, high or institutional levels of U.S. assistance), including Colombia, until policy-makers provide Congress with a credible explanation for negative human rights impacts and vetting failures in Colombia, and demonstrate concrete changes to ensure these impacts and failures are not replicated in relevant embassies, commands, and bureaus.
4. Because the failure to apply the Leahy Law has led to United States to assist brigades that have committed large numbers of extrajudicial executions, the United States has the responsibility to do everything possible to ensure justice for these cases. To do this, Congress should require the State Department and the Justice

Department to report to it periodically on how U.S. justice and oversight programs are helping reduce impunity for human rights cases, especially extrajudicial executions. U.S. aid to Colombian judicial and oversight agencies should be tied to concrete results in reducing impunity for these cases, and U.S. officials should continue to raise the issue with Colombian agencies.

5.

Notes on Sources and Methodology

Data on reported extrajudicial killings was compiled by the Human Rights Observatory of the *Coordinación Colombia-Europa-Estados Unidos* (CCEEU), based on documentation from the Colombian Attorney General's office, Inspector General's office, and 20 human rights organizations, which are organized in a Working Group on Extrajudicial Executions.¹¹² This was supplemented by data from the military justice system. Data on units vetted and assisted by the United States was provided by the U.S. State Department. Data on operational jurisdictions and organizational structures of Colombian military units was drawn primarily from online information published by the Colombian Ministry of Defense.

The State Department had not at time of publication supplied us with data on the dollar amount or type of assistance supplied to vetted and assisted units, although we asked for that information. However, we were able to measure assistance to army brigades through a scoring system that weighted U.S. assistance to component units (battalions) in each brigade, to command staff, and to mobile brigades that operate within the jurisdictions of fixed brigades. Our scoring system gave values of one (1) for each battalion assisted during a year; four (4) for a brigade's command staff assisted during a year; and two (2) for each assisted mobile brigade operating in the jurisdiction of the fixed brigade. These values were based on our analysis of the responsibility of each of these components for army operations and soldiers' conduct in a given area.

The CCEEU reviewed all data to ensure that no victims appeared twice. When a victim appeared in more than one source, these were combined to indicate multiple sources for each victim.

The report was coordinated by John Lindsay-Poland, Research and Advocacy Director of the Fellowship of Reconciliation, with contributions from Kelly Nicholls, Executive Director of the U.S. Office on Colombia; Renata Rendón, an independent advisor and researcher; FOR Colombia Program director Susana Pimiento; and Peter Cousins, Rachel Dickson, and Anjuman Ara Begum. The maps were created by Eli Moore. Liliana De Lucca-Connor translated the report into Spanish. Our team reviewed all statistical compilation and analysis of data at least twice, with independent compilations followed by examination of all discrepancies, to ensure the highest accuracy possible. The authors consulted statistical analysts, and although most comments were not available in time to incorporate responses into the study, a summary review of the report's statistical content is available at www.forcolombia.org/statisticalreview. We interviewed human rights organizations in the United States and Colombia, State Department officials, U.S. and Colombian military officers (including army commander General Oscar González Peña and former armed forces commander General Carlos Ospina), and reviewed media reports and documents previously submitted by human rights organizations to the State Department. The report was supported in part by a grant from the Foundation for an Open Society.

Annex I
Reported Executions in Brigade Jurisdictions after Increases in U.S. Aid

Brigade Jurisdiction	Years of Increase	Aid score increase	Reported EJEs previous year & 1st year (annual average)	Reported EJEs 2d year & year after (annual average)	Percentage change
7	2005-06	3	13.5	95.5	607.41%
11	2004-05	5	6.5	35.5	446.15%
30	2006-07	4	16	60.5	278.13%
9	2004-05	3	4	15	275.00%
16	2004-05	4	5.5	18	227.27%
12	2004-05	8	13.5	24	77.78%
9	2007-08	3	30.5	25	-18.03%
6	2007-08	3	26.5	10.5	-60.38%
28	2007-08	10	2.5	0.5	-80.00%
27	2007-08	3	30.5	6	-80.33%
2	2007-08	5	8.5	1	-88.24%
6	2008-09	3	24.5	0	-100.00%
26	2007-08	5	0	0	0%
13	2007-08	3	4.5	0	-100%
Navy Pacific	2007-08	3	1	1	0%
23	2008-09	4	0	0	0%
	Total		188	293	56.00%

Reported Executions in Brigade Jurisdictions after Decreases in U.S. Aid

Brigade Jurisdiction	Years of Decrease	Aid score decrease	Reported EJEs previous year & 1st year (annual average)	Reported EJEs 2d year & year after (annual average)	Percentage change
28	2003-04	-4	1	0	-100.00%
16	2007-08	-4	59	3	-94.92%
11	2007-08	-7	150	17	-88.67%
18	2007-08	-10	52	7	-86.54%
30	2007-08	-7	91	47	-48.35%
18	2003-04	-5	22	26	18.18%
12	2006-07	-7	48	58	20.83%
12	2003-04	-6	15	34	126.67%
	Total		438	192	-56.16%

Annex II: Annual Reported Executions by Brigade Jurisdiction

Brigade	Total in brigade jurisdiction	Total reported by unit	Annual total reported by jurisdiction							
			2002	2003	2004	2005	2006	2007	2008	2009
1	15	2	0	1	5	3	1	3	2	
2	103	15	14	21	34	15	9	8	2	0
3	86	53	1	0	11	12	23	23	16	0
4	608	267	40	66	104	121	137	112	28	0
5	52	31	3	10	12	9	4	3	11	0
6	124	42	8	20	21	1	25	28	21	0
7	256	42	11	13	15	12	57	134	12	2
8	96	42	4	3	4	11	13	27	31	3
9	134	85	2	2	6	13	17	44	50	0
10	174	69	-	-	3	34	53	61	23	0
11	207	35	5	1	12	22	49	101	14	3
12	136	27	3	12	15	19	29	30	28	0
13	21	7	1	2	6	3	6	3	0	0
14	141	24	6	26	15	4	21	46	23	0
15	2	12	-	-	-	-	-	2	0	0
16	91	31	2	1	10	16	20	39	2	1
17	86	22	1	3	16	37	12	14	3	0
18	107	32	11	11	14	12	9	43	7	0
27	88	18	0	1	7	7	20	41	12	0
28	7	0	1	0	0	0	5	0	1	0
29	128	36	2	2	11	20	35	34	21	3
30	138	33	-	-	-	-	16	75	46	1
Navy	4	14						2	1	1
Jurisdiction not identified	12		1			6	3	2		
Total	2816	1087	116	195	321	377	564	875	354	14
Police	193		35	21	39	27	31	24	13	3
Air Force	5		2	1	2					
	3014		153	217	362	404	595	899	367	17

Notes

¹ See Michael S. Cohen, "Arms for the World," *Dissent*, Fall 2009, pp. 69-74.

² Department of State, *2009 Human Rights Report: Pakistan*, March 11, 2010, at <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136092.htm>

³ "Warlords Toughen US Task in Afghanistan," *TIME*, December 9, 2008, accessed at <http://www.time.com/time/world/article/0,8599,1865255,00.html>

⁴ New America Foundation study on civilians killed as a result of US drone strikes in Pakistan, 2010, <http://counterterrorism.newamerica.net/drones>

⁵ The death penalty in Colombia is illegal, so that any killing by state forces is extrajudicial, unless it is committed in combat and with respect for international humanitarian law. Here, we adopt the phrase as commonly used by human rights organizations, to mean killings committed by state forces of civilians, outside of combat. We use the phrases "extrajudicial execution" (EJE), "civilian killing", and "extrajudicial killing" interchangeably.

⁶ Interview with U.S. Embassy staff, August 2009. State Department officials have reportedly made this claim to others as well. In March 2008, State Department officials told FOR that [the U.S. embassy in] Colombia has "a tremendous database" for vetting, "probably the best."

⁷ The 2003 guidance is State 34981, "Compliance with the State and DOD Leahy Amendments: A Guide to the Vetting Process," February 6, 2003, p. 3; document produced in 2007, provided to FOR by US Southern Command.

⁸ National Security Archives, "Documents Describe History of Abuses by Colombian," Electronic Briefing Book No. 266, January 7, 2009.

⁹ Interview with FOR, Washington, DC, April 21, 2010.

¹⁰ *El Espectador*, October 7, 2008, accessed at <http://elespectador.com/noticias/judicial/articulo-uribe-dice-desaparecidos-de-soacha-murieron-en-combates>; *El Espectador*, October 28, 2008, accessed at <http://elespectador.com/noticias/opinion/editorial/articulo86620-los-desaparecidos-de-soacha>

¹¹ HR 4775, 2002 Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Attacks on the United States, Sec. 305 (a)(1), authorizing use of funds "against activities by organizations designated as terrorist organizations such as" FARC, ELN and AUC. Subsequently codified National Security Presidential Directive 18, November 2002.

¹² LTC Darryl Long, "Colombia y Estados Unidos: Amistad y Cooperación por América," *Revista Ejército No. 139*, May-June 2008, p. 31. Translation by FOR.

¹³ These include the Fourth Brigade and its battalions; 15th Mobile Brigade; 'La Popa' Battalion; 17th Brigade; Joaquín Paris Battalion; 29th Brigade; and many others.

¹⁴ Department of State, Foreign Military Training and DoD Engagement Activities of Interest, at <http://www.state.gov/t/pm/rls/rpt/fmtrpt/index.htm>.

¹⁵ "A Guide to the Vetting Process," op. cit., p. 19.

¹⁶ See statement by ten former Army commanders, May 12, 2010; and interview with General Harold Bedoya, *El Espectador*, June 5, 2010, accessed at <http://www.espectador.com/impreso/cuadernilloa/entrevista-de-ecilia-oro-zco/articuloimpreso-207046-mi-palpite-los-cuarteles-de>. Statements by U.S. military are not as widespread, but include: Captain C. Peter Dungan, "Fighting Lawfare at the Special Operations Task Force Level," March-April 2008 (vol 21), pp. 9-15; and interview with U.S. military trainers, February 2010.

¹⁷ Interview with FOR, Bogotá, 18 June 2010.

¹⁸ Embassies are also required to report "any information which reasonably could be deemed to be credible evidence of gross violations by any unit" receiving U.S. subject assistance, "regardless of the source of such information." Secretary of State cable to all posts, "Revised Guidance Regarding Leahy Amendments and U.S. Foreign Assistance," February 6, 2003. This document is still referenced as principal guidance in recent State Department directives on human rights vetting.

¹⁹ These mobile brigades are numbers 1, 2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 15, 17 and 20.

²⁰ "A Guide to the Vetting Process," op. cit., p. 18.

²¹ These include sentences under the military justice system for cases of three killings.

²² See Department of State, "Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," for Fiscal Year 2009.

²³ “Corte Suprema sugiere que altos mandos respondan por falsos positivos,” *El Espectador*, 21 October 2009, <http://www.elespectador.com/noticias/judicial/articulo168011-corte-suprema-sugiere-altos-mandos-respondan-falsos-positivos>

²⁴ Juzgado Tercero Penal del Circuito Especializado de Bogotá, June 9, 2010, RUN: 11001320700320080002500; Luis Alfonso Plazas Vega; Desaparación Forzada.

²⁵ Unvetted units are those that have not been vetted and therefore cannot receive US assistance. Suspended units have been vetted and deemed ineligible because of human rights concerns. As we reported with Amnesty International in 2008 ([http://www.forcolombia.org/sites/www.forcolombia.org/files/Response to Jul%20E2%80%A62008 Final.doc](http://www.forcolombia.org/sites/www.forcolombia.org/files/Response%20to%20Jul%20E2%80%A62008%20Final.doc)), over the course of eight years between 2000-2007 the United States provided either training or equipment to individuals from a total of 558 “unvetted” units of the Colombian armed forces, including more than 300 army units, according to the State Department. Most of the individuals were most likely trained at schools in the United States and were likely officers, judging from the Foreign Military Training reports published by the State Department.

²⁶ Documented assistance began in the 2000-2003 period. Thus, for some executions reported in 2002 and 2003, it could not be determined if the unit identified was previously assisted.

²⁷ Comisión Colombiana de Juristas, “Colombia: casos de ejecuciones extrajudiciales atribuidas a la fuerza pública, 1° de noviembre de 2008 a 31 de marzo de 2010.”

²⁸ *Noche y Niebla*, “Cifras,” in nos. 36, 38 and 40.

²⁹ Assistance was measured by the number and types of units assisted annually in each brigade jurisdiction. There were several instances of units receiving increased U.S. aid where reports of civilian killings decreased, but the decreases were considerably less than the increases. When the changes in numbers of executions were weighted according to the amount of increased assistance, the average increase was nearly the same – 85%. See Annex 1 and the note on methodology, to be elaborated in annex of forthcoming report.

³⁰ This appears to be the case for the 11th and 30th Brigades, operating in Córdoba and Norte de Santander, suspended in 2008, after which the number of reported army executions committed in their jurisdictions fell precipitously. However, in the case of the 12th Brigade in Caquetá, suspended in 2007, the number of army killings in the jurisdiction increased slightly.

³¹ Commanders of the Second, Fifth and 13th brigades did not attend SOA. Records were ambiguous for four brigade commanders. All seven division commanders had attended the School.

³² In fact, when very limited amounts of U.S. military assistance to Guatemala resumed after the 1996 peace accords, and more substantially in 2005, there had already been a decline in rights violations years before.

³³ FOR interview, May 14, 2008.

³⁴ Procuraduría General de la Nación, “Ejecuciones Arbitrarias en Persona Protegida,” Powerpoint presentation, 2009.

³⁵ Dirección de Estudios Sectoriales, Ministerio de Defensa, “Logros de la Política de Consolidación de la Seguridad Democrática,” Marzo 2010; Thomas Marks, “Colombian Army Adaptation to FARC Insurgency,” 2002, p. 10; Eduardo Matyas Camargo, “La Seguridad Democrática: Otro Falso Positivo,” April 5, 2010.

³⁶ “To Count the Uncounted: An Estimation of Lethal Violence in Casanare,” Benetech Human Rights Program, February 10, 2010.

³⁷ Reuters, “U.S. says no aid for Colombia army units in scandal,” http://www.reuters.com/article/idUSN06394035_CH_2400, accessed May 23, 2010; US Embassy interview with FOR, May 14, 2008. Other units already suspended included the Fourth and 30th Brigades and 12th Mobile Brigade, as well as the Palanquero air base (resumed in 2008) and subsequently disbanded 20th Brigade: http://www.eltiempo.com/colombia/justicia/precision-sobre-alcances-de-veto-a-tres-comandos-de-unidades-del-ejercito-pedira-gobierno-a-eu_4649948-1, accessed November 7, 2008. State Department officials also informed FOR that assistance to the 17th Brigade had been suspended since at least 2002, although individuals from the brigade received demining assistance during this period.

³⁸ FOR interview, February 17, 2010.

³⁹ “Con satisfacción recibe Comandante del Ejército certificación de Estados Unidos,” April 11, 2007, at <http://www.ejercito.mil.co/?idcategoria=190829>

⁴⁰ This is the case, for example, with the First Brigade, for which only two executions were attributed to brigade members, both in 2007, reported by non-governmental organizations, and only one of these appeared in the CINEP database.

⁴¹ Observatorio de Derechos Humanos y Derecho Humanitario, “Ejecuciones Extrajudiciales: Realidad Inocultable, 2007 – 2008.”

⁴² Curtis Kamman cable, March 27, 2000, released to the National Security Archives via Freedom of Information Act (FOIA) request.

⁴³ The Attorney General's office opened investigations into the 2006 killings in Córdoba between 2006 and 2008, but as of 2009, none had advanced.

⁴⁴ Frank Bajak, "Who to kill? Colombia army picks soldier's brother," Associated Press, November 13, 2008, <http://www.thefreelibrary.com/Who+to+kill%3f+Colombia+army+picks+soldier%27s+brother-a01611713184>. "Mi hermano fue un falso positivo," *Semana*, October 25, 2008, <http://www.semana.com/noticias-nacion/hermano-falso-positivo/117023.aspx>

⁴⁵ "A la Fiscalía pasaron militares capturados,"

http://www.eluniversal.com.co/noticias/20080418/mon_suc_a_la_fiscalia_pasaron_militares_capturad.html; U.S. Embassy officer, June 2008.

⁴⁶ Sixteen other executions were reportedly committed by units from the Fourth Brigade, Second Brigade and First Marine Infantry Battalion.

⁴⁷ The camp was in Carmen de Bolívar, Bolívar Department. "Martín Caballero', jefe del Frente 37 de las Farc, murió en combate," *El Tiempo*, at: <http://poorbuthappy.com/colombia/post/martn-caballero-jefe-del-frente-37-de-las-farc-muri-en-combate/>. See also "Bloque Caribe de las FARC queda herido de muerte," *Semana*, at: http://www.semana.com/wf_InfoArticulo.aspx?idArt=107192 and "Dado de baja 'Martín Caballero' y 18 guerrilleros más," at: <http://www.ejercito.mil.co/index.php?idcategoria=195568> We were not able to determine whether the 11th Brigade is a component of the Caribbean Joint Command.

⁴⁸ The battalion commander during this period, Elmer Mauricio Peña Pedraza, attended the School of the Americas in 1987.

⁴⁹ Other engineering battalions vetted for U.S. assistance are in the Seventh and 14th Brigades in Meta and Magdalena Medio, respectively. The Calibío Battalion in the 14th Brigade was implicated in the Soacha "false positives" scandal and its commander was suspended in October 2008.

⁵⁰ The 18th Mobile Brigade has also operated in Huila since 2006, and the United States began to support it in 2008. The 21st Mobile Brigade is based in Huila, and the United States approved support for it this year, but it operates in other parts of the country. See <http://www.quintadivision.mil.co/index.php?idcategoria=233932> and <http://www.prensarural.org/spip/spip.php?article611>.

⁵¹ Forty-two of these 124 killings were directly attributed to members of the Sixth Brigade. Only in the Cajamarca case of five victims had any court reached a judgment, according to information available to CCEEU, constituting a 96% impunity rate for cases in the brigade's jurisdiction.

⁵² See "El Sur de Cesar: Entre la Acumulación de la Tierra y el Monocultivo de la Palma," and "Norte de Santander: Territorio Diversa, Infamia Aguda," at <http://www.colombianuncamas.org>.

⁵³ *Noche y Niebla* No. 27, p. 210. One of the teenaged girls was six-months pregnant, and the attackers removed her fetus, throwing it and the body of the girl into the river. The Colombian government alleged that the army was not in the vicinity and that the attackers were paramilitaries. "Adición al informe del Relator Especial sobre las ejecuciones extrajudiciales," 2004, E/CN.4/2005/7/Add.1, accessed at <http://www.acnur.org/biblioteca/pdf/3393.pdf>

⁵⁴ Generals Oscar González Peña and Mario Montoya Uribe, respectively. BG Harold Bedoya, brigade commander in 1990, became army commander in 1995-96. General Jorge Enrique Mora, brigade commander in 1994-95, became army commander in 1998-2002.

⁵⁵ Observatorio de Derechos Humanos y Derecho Internacional Humanitario, *Ejecuciones extrajudiciales: el caso del oriente antioqueño*, 2007, available at <http://www.dhcolombia.info/spip.php?article362>

⁵⁶ Interview with General Oscar González Peña, June 18, 2010.

⁵⁷ In Medellín, various intelligence reports have come to light apparently prepared by Technical Investigation Unit's (CTI) 74th prosecutor in Antioquia, in collaboration with the RIME No. 7 and the Fourth Army Brigade. The reports state that a range of non-governmental organizations and human rights defenders are part of the FARC. These reports mention the Judicial Freedom Organization (CJL) and its lawyers Elkin Ramirez and Bayron Góngora, renowned human rights defenders who have been subject to previous baseless prosecutions. Góngora subsequently received credible information that a contract to kill him had been paid, and he went into exile. In December 2009, FOR and Human Rights First wrote to Assistant Secretary of State Arturo Valenzuela, recommending suspension of assistance to RIME No. 7. He responded that the unit's reported actions "do not rise to the level of gross violations of human rights, which is the legal standard for determining eligibility for U.S. assistance." Arturo Valenzuela letter to HRF and FOR, February 2010.

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- ⁵⁸ These include the Fourth Cavalry Group “Juan de Corral”; Fourth Artillery Battalion “Coronel Jorge Eduardo Sanchez Rodríguez”; Fourth Engineering Battalion “General Pedro nel Ospina”; 32nd Infantry Battalion “General Pedro Justo Berrio”; and Fourth Counterguerrilla Battalion “Granaderos.”
- ⁵⁹ Department of State, “Determination and Certification Related to Colombian Armed Forces under Section 553 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, Division D, Consolidated Appropriations Act, 2004 (P.L. 108-199), and Section 556 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, Division D, Consolidated Appropriations Act, 2005 (P.L. 108-447),” May 26, 2006, pp. 4-5.
- ⁶⁰ Training In Fiscal Year 2002, Volume I,” U.S. Department of Defense and U.S. Department of State Joint Report to Congress, “Country Training Activities,” at: <http://www.state.gov/documents/organization/21823.pdf>, p. IV-219.
- ⁶¹ Department of State, “Determination and Certification Related to Colombian Armed Forces under Section 556 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2005 (Division D, P.L. 108-447),” May 26, 2006, pp. 4-5, 19.
- ⁶² *Noche y Niebla No. 28*, pp. 66-67.
- ⁶³ *Noche y Niebla No. 30*, p. 238.
- ⁶⁴ *Terrorismo del Estado de Colombia* (Ediciones NCOS, 1992), p. 272. Ramírez Zuluaga was arrested in April 2007 for responsibility for the disappearance of four peasants in January 2006, but he was released, reportedly in error, in November 2007 and fled. <http://www.radiosantafe.com/2008/03/19/capturado-ex-coronel-del-ejercito-implicado-en-desaparicion-y-asesinato-de-campesinos/> and <http://colombiaadistancia.blogspot.com/2008/01/coronel-r-acusado-de-desaparicin-de.html> (accessed 26 May 2010).
- ⁶⁵ *Noche y Niebla No. 33*, p. 88.
- ⁶⁶ Ejército Colombiano, *FUDRA*, September 2007, p. 5.
- ⁶⁷ Mobile Brigades 1, 3 and 7 also received assistance during the 2000-04 period.
- ⁶⁸ “La última morada,” *El Espectador*, September 11, 2009, <http://www.elespectador.com/impreso/articuloimpreso160963-ultima-morada>; FOR interview with investigator, October 6, 2009.
- ⁶⁹ “La última morada.”
- ⁷⁰ Gonzalo Guillén, “Hallan fosa común con cerca de 2,000 cadáveres en el oriente de Colombia,” *El Nuevo Herald*, January 29, 2010, <http://www.elnuevoherald.com/2010/01/29/640282/hallan-fosa-comun-con-cerca-de.html>
- ⁷¹ “Confesiones de un positivo,” *El Espectador*, May 17, 2010, accessed at <http://www.elespectador.com/impreso/judicial/articuloimpreso-203695-confesiones-de-un-positivo>.
- ⁷² <http://www.cgfm.mil.co/CGFMPortal/index.jsp?option=contentDisplay&idCont=452>
- ⁷³ U.S. Ambassador Curtis Kamman, cable to Secretary of State, March 2000, obtained by National Security Archives via FOIA request.
- ⁷⁴ *Ibid.*
- ⁷⁵ “Foreign Military Training In Fiscal Years 2003 and 2004, Volume I,” U.S. Department of Defense and U.S. Department of State Joint Report to Congress, “Country Training Activities,” at: <http://www.state.gov/documents/organization/45793.pdf>, p. IV-271.
- ⁷⁶ http://www.eltiempo.com/colombia/justicia/presion-por-resultados-era-muy-grande-coronel-santiago-herrera-destituido-por-falsos-positivos_5328709-1
- ⁷⁷ These were the 15th Infantry “Santander” Battalion, based in Ocaña; Fifth Mechanized Cavalry “Maza” Battalion, in Cucuta; and the 46th Counterguerrilla “Heroes de Saraguro” Battalion, in Tibu. The aid included first aid training, according to one media report. Hugh Bronstein, Reuters, “U.S. soldiers help war against rebels in Colombia,” February 5, 2008.
- ⁷⁸ Procuraduría General de la Nación, archivo físico, respuesta a Jomary Ortegón, 26 de julio de 2007.
- ⁷⁹ “La masacre de Nariño, ¿una venganza?” *Semana*, August 27, 2009, accessed at <http://www.semana.com/noticias-conflicto-armado/masacre-narino-venganza/127864.aspx>
- ⁸⁰ Comisión Colombiana de Juristas, “Colombia: casos de ejecuciones extrajudiciales atribuidas a la fuerza pública 1° de noviembre de 2008 a 31 de marzo de 2010,” May 2010, pp. 8-9.
- ⁸¹ Interview with General Carlos Ospina, April 21, 2010.
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