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[Search](#)
[News](#)
[Documents](#)
[Publications](#)
[FOIA](#)
[Internship Opportunities](#)
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War in Colombia

Guerrillas, Drugs and Human Rights in U.S. Colombia Policy, 1988-2002

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[Summary and Findings](#)

[Print this page](#)

[Jump to documents](#)

[Background and Current Policy Proposals](#)

VOLUME III

[Volume I: The Andean Strategy, 1989](#)

“Attacking drugs by hitting the insurgency”

[Volume II: Counterdrug Operations](#)

“The most dangerous flying in the so-called drug war”

[Volume III: Conditioning Security Assistance](#)

Human rights, end-use monitoring and “the government’s inability to curb the paramilitary threat”

Conditioning Security Assistance Human rights, end-use monitoring and "the government's inability to curb the paramilitary threat"

In 1996 and 1997 the State Department “decertified” Colombia’s cooperation with U.S. international drug control strategy, resulting in the cutoff of many types of grant military assistance to the country (although substantial funding continued through the State Department’s International Narcotics Control program).(39) While many reasons were cited, U.S. officials said that the decision reflected what was perceived to be endemic corruption in the administration of President Ernesto Samper, alleged to have received more than \$6 million in campaign contributions from the Cali drug cartel.

During this period, and in part due to pressure from the decertification, the Colombian government initiated an ambitious new counterdrug offensive. The operation was met with strong opposition from coca growers and guerrilla groups alike, creating a security environment in which the suppression of guerrilla groups – and thus the active participation of the Colombian Army – was deemed essential for success. These operations, including an intensive push into the coca growing regions of Guaviare Department, were perceived by the U.S. Embassy as evidence that the Colombian military had taken steps to enhance its participation in combined counterdrug operations (see Documents [44](#) and [45](#)).

At the same time, the Colombian Army suffered a number of demoralizing defeats at the hands of guerrilla forces, including the takeover of an Army outpost at Las Delicias near the Ecuadoran border on August 30, 1996, in which 54 soldiers were killed, with dozens more wounded or captured. This and other attacks were the most devastating actions taken by guerrilla groups in years, and came amid massive peasant mobilizations against the Samper administration’s escalated drug crop eradication program.(40)

Characterized by the Colombian Army as retaliation for the government’s counternarcotics operations, the guerrilla attacks were in part responsible for the renewal

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of assistance for the Colombian military in September. But the State Department's aim to get the Colombian military fully engaged in the anti-drug mission soon ran up against an increasingly assertive U.S. Congress, concerned about the Army's commitment to counternarcotics operations and its poor human rights record.

Until the mid-1990s the activities of U.S.-supported Colombian military units were ostensibly limited to counternarcotics operations, but were not subject to systematic oversight by the United States. In 1993 a decision was made to divert most U.S. assistance from the military to the Colombian National Police (CNP), largely in response to concerns about human rights violations and questions about the Army's commitment to the drug war. In another effort to reign in the Colombian security forces, Congress in 1994 enacted a provision requiring the Secretary of State to certify that military assistance to Colombia will be used "primarily for counternarcotics activities."⁽⁴¹⁾

Moreover, many in Congress were in favor of directing most U.S. support to the Colombian National Police (CNP), viewed as a cleaner and more reliable ally in the war on drugs. While President Samper and many military officers were being vilified for corruption and other abuses, other officials, such as police chief Gen. Rosso Jose Serrano, were praised as brave and trustworthy public servants, whose efforts on behalf of U.S. counterdrug programs were being undermined by corruption at the highest levels of government.⁽⁴²⁾

In September 1996 Congress applied additional restrictions on U.S. counternarcotics aid sponsored by Sen. Patrick Leahy (D-Vermont). The so-called "Leahy law" applied a human rights standard to U.S. counterdrug aid, prohibiting the use of such assistance by units whose members are credibly alleged to have committed gross human rights violations unless the recipient government demonstrates that it is "taking effective measures to bring the responsible members of the security forces to justice." The scope of the Leahy provision was expanded for fiscal year 1998 to include *all* programs funded under the Foreign Operations Act, and in fiscal year 1999 similar language was applied to Defense appropriations, although the latter covered only training activities.⁽⁴³⁾

Despite the decertification of the Colombian government and concerns over the military's human rights record, the Clinton administration approved some \$40.5 million in "emergency drawdown" assistance to Colombia in September 1996, including 12 UH-1 "Huey" helicopters. But the aid was held up while the State Department negotiated an End-Use Monitoring (EUM) agreement with the Colombian Army, which was scheduled to receive much of the material. The Clinton administration had decided to apply language similar to the Leahy law to all counternarcotics aid, and the result was that tens of millions of dollars in arms transfers previously unaffected by these restrictions was on hold while the State Department worked on the Colombian military to accept the new terms. Negotiation of the EUM agreement was made all the more difficult for U.S. Ambassador Myles Frechette as much of the assistance arrived in Colombia before the two sides had agreed to terms governing its use, which he complained was reducing his leverage with the defense ministry (See Documents [54](#) and [55](#)). Moreover, even while the agreement was being negotiated, some members of Congress held private meetings with Colombian officials pledging to help lift these restrictions on aid and urging the officials to bypass the Clinton administration and speak directly to Congress (See [Document 52](#)).

Arms transfers also continued through channels largely unaffected by congressional mandates or the decertification decision. In particular, Direct Commercial Sales (DCS) and Foreign Military Sales (FMS) of equipment and services continued to flow, although even these pipelines were subject to a certain amount of scrutiny. Colombia's announcement in 1996 that it was purchasing UH-60L "Blackhawk" helicopters prompted debate in Congress and among administration officials over whether the high-tech choppers should go to the police – who are primarily responsible for counterdrug operations – or directly to Colombian military forces for use in both counternarcotics support and counterinsurgency missions. The dispute over the destination of the

helicopters speaks to the larger debate among U.S. officials over whether to emphasize police or military operations in the drug war (see Documents [43](#) and [46-49](#)).

The final EUM agreement, reached on August 1, 1997, specified that U.S. military assistance be used specifically for counterdrug purposes and only within mutually agreed upon geographic zones (“the box”) (see [Document 56](#)). The agreement further outlined procedures by which units proposed to receive assistance would be vetted in accordance with U.S. law. But the restrictions on aid specified in the EUM have steadily eroded since the agreement was signed. Documents indicate that “the box,” originally limited to areas associated with drugs, was expanded in 2000 to include Colombia’s entire national territory (see [Document 66](#)). Other documents suggest that State Department officials interpreted the EUM’s end-use provisions to include “counter-terrorism” operations (see [Document 68](#)).

Indeed, it was not long after the agreement was signed that Gen. Barry R. McCaffrey, the administration’s “Drug Czar,” publicly emphasized the link between drug trafficking and guerrilla groups as a means of justifying the relaxation of restrictions on aid to the Colombian military. Such unfettered assistance to the military was necessary because the insurgents were “walking away from the ideological struggle and toward criminal action,” according to McCaffrey, who characterized them as “a tremendously ferocious threat to Colombian democracy.”

McCaffrey’s October 1997 visit to Colombia – during which he several times used the term “narco-guerrillas” – was called a “turning point” by Colombian armed forces commander Gen. Manuel Jose Bonett, who said it demonstrated “a stronger desire to understand us now, to not consider us the bad guys.”([44](#)) Although the State Department downplayed the importance of McCaffrey’s statements, official press guidance, drafted in response to the comments, said that the Department was concerned “that there is increasing cooperation between narco traffickers and many guerrilla groups located in the drug producing regions of Colombia” (see [Document 57](#)).([45](#))

The EUM significantly complicated U.S. efforts to identify military units eligible for U.S. assistance. Of the six units first vetted under the new EUM agreement, four were turned down on human right grounds. Two other units – the 24th Brigade in Putumayo and the Eastern Specified Command – were eventually cleared to receive assistance, much of which had been delivered by November 1998. Eleven other units were cleared between 1998 and 2001, including the Army’s 12th Brigade, which – along with the 24th Brigade and other units – was then under the command of Joint Task Force South (JTF-S), a U.S.-supported command element operating in Colombia’s southern coca growing regions.([46](#))

The evidence suggests that U.S. officials had enormous difficulty in identifying units able to meet even the relatively modest provisions of the Leahy law, and were thus obliged to support the creation of new units to spearhead the Army’s counterdrug offensive (see Documents [58-60](#), [62-63](#) and [67](#)). These units, three 1,000-man counternarcotics battalions, were deployed under the operational control of JTF-S where they have been reliant upon the support of units specifically denied U.S. assistance due to human rights concerns. One of these, the 24th brigade, was denied U.S. aid in September 1999, but remained part of JTF-S, housing and otherwise assisting the operations of the U.S.-funded counternarcotics battalions (see Documents [69-70](#)).

Even during this period of increasing support for Colombia’s military forces, U.S. intelligence continued to warn of collaboration between the Colombian Army and right-wing paramilitary groups with a shared anti-guerrilla agenda. Military defeats at the hands of guerrilla forces led one CIA report from 1997 to predict that “instances of active coordination between military and paramilitaries are likely to continue” ([Document 53](#)). The next year, the State Department reported that Colombia has lost momentum in the fight against paramilitaries, suggesting that the earlier crackdown

“may have been driven by larger political and economic interests” ([Document 61](#)). By August 1998, the CIA was even more pessimistic, noting that military-paramilitary ties “are likely to continue and perhaps even increase” in the coming period ([Document 64](#)).

In July 2000, President Bill Clinton approved the \$1.3 billion aid package known as “Plan Colombia” along with seven specific human rights conditions imposed by Congress. Among other things, these conditions required that Colombian security forces break ties with and crack down on paramilitary groups, and bring those responsible for such collaboration to justice. In August, Clinton waived these restrictions, citing a “drug emergency.” But the waiver did not preclude the human rights conditions of the Leahy law, and the following month both the 12th and 24th brigades were denied further assistance.

While the progressively blurring line between counternarcotics and counterinsurgency operations in Colombia has been widely reported, in the documents below we can see the first signs of how this phenomenon has evolved behind the scenes. Efforts to parse the personnel and activities of the Colombian security forces in the latter half of the 1990s created a policy dilemma in which the U.S. found it increasingly difficult to fund the kinds of units and operations believed necessary to prosecute the drug war. It remains to be seen whether the Bush administration will succeed in erasing the already fuzzy line between counterdrug and counterinsurgency operations, and if so, whether human rights will continue to be a factor in the provision of U.S. security assistance.

Note: The following documents are in PDF format.

You will need to download and install the free [Adobe Acrobat Reader](#) to view.

[Document 43](#)



U.S. Embassy Colombia cable, “The Proposed Sale of UH-60L Helicopters to Colombia,” July 12, 1996, Unclassified, 6 pp.

Source: Freedom of Information Act Release to the National Security Archive

Despite the March 1996 determination that Colombia was not sufficiently cooperative with the U.S. anti-drug program, U.S. Ambassador Myles Frechette supports the sale of UH-60L “Blackhawk” helicopters to Colombia in the interest of showing the continuing U.S. commitment to the drug war which, he believes, “this sale will enhance.”

Frechette asserts that the Colombian Army (“COLAR”) lacks adequate airlift capability, limiting its ability to go after counternarcotics targets and support the counterdrug operations of the Colombian National Police (CNP). The Blackhawk, he says, will provide the Army with “needed flexibility to reach remote geographical locations,” and “the dependability ... to conduct and sustain counter-narcotics and internal defense operations.” The ambassador adds that security forces are now “dealing with increasingly assertive guerrilla activity.”

Since the inauguration of President Samper, Frechette observes, “the armed forces have not been nearly as supportive of counter-narcotics as we would like,” but the ambassador cites recent military support to police activities in Guaviare – a principal coca growing region – as evidence of closer cooperation between military and police forces. Frechette believes that the Blackhawk sale “will facilitate”

such cooperation.

The ambassador also notes that the sale “will benefit thousands of employees working in the U.S. helicopter manufacturing sector.”

Document 44



U.S. Embassy Colombia cable, “Aerial Eradication in Guaviare, Caqueta and Putumayo: Things Heat Up as DANTI [Colombian National Police Anti-Narcotics Division] and COLAR [Colombian Army] Increase the Pressure on Miraflores and Environs; COLAR Launches “Operation Conquest II” into Caqueta and Putumayo,” July 16, 1996, Unclassified, 5 pp.

Source: Freedom of Information Act Release to the National Security Archive

A joint Colombian military and police counterdrug operation launched in June 1996 provoked mass demonstrations in Miraflores, a town in southeastern Guaviare Department that the Embassy says is sustained by coca production. Embassy officials saw these kinds of operations as proof that – in cases where peasants and/or guerrillas threaten mission success – the participation of Colombian military forces is vital.

The aim of the operation, according to this cable, “is to take over Miraflores, effectively shutting down coca operations out of that area.” The cable reports that “large numbers of residents” have been displaced by the “relentless” push of the Army’s Second Mobile Brigade, but that campesinos from surrounding areas have flocked to Miraflores in a show of solidarity.

Document 45



U.S. Embassy Colombia, "Protesting Coca Growers Continue Stand-Off," July 24, 1996, Confidential, 6 pp.

Source: Freedom of Information Act Release to the National Security Archive

An estimated "4,000 to 20,000" campesinos have descended on the town of Miraflores, blocking access to the local airstrip in protest of the Colombian government's counterdrug operations, this cable reports. Colombian police and Army troops from the Second Mobile Brigade have been deployed in the area "to prevent guerrillas from overrunning and destroying the town as they did in August 1995."

The cable notes that the presence of Army troops alongside the anti-drug police ensures that a guerrilla attack on the town would be met with "commensurate force that was lacking when the police were overrun in August 1995. Such an attack would now result in "major damage to narcotraffickers and guerrillas in Guaviare."

Document 46



State Department Backgrounder, “Blackhawk Helicopter Sale Request-Colombian Army,” July 1996, Unclassified, 2 pp.

Source: Freedom of Information Act Release to the National Security Archive

This briefing paper – based on interviews of helicopter pilots with “combat experience in Vietnam” – sets forth the argument in favor of approving the Colombian Army’s request for the government-to-government sale of UH-60L “Blackhawk” helicopters to assist with anti-guerrilla operations. The document stresses the link between “heavily armed” guerrilla groups and the narcotics trade, noting that the insurgents are “inflicting heavy casualties on the government forces.”

The helicopters are intended primarily for airlift, but the paper adds that “M-60 machine guns” and “mini-guns” can also be mounted on both sides of the aircraft. The document also emphasizes the Blackhawk’s survivability against ground fire and its ability to “withstand a nearly 40 MPH crash coming to ground.”

Document 47



State Department background paper, [The proposed sale of UH-60 “Blackhawk” helicopters to Colombia], July 1996, Unclassified, 2 pp.

Source: Freedom of Information Act Release to the National Security Archive

This draft position paper responds to suggestions that Blackhawk helicopters proposed for sale to Colombia should go to the Colombian National Police (CNP) who are more tightly focused on counterdrug – as opposed to counterguerrilla – operations.

The CNP, according to the document, are involved in a “very real war” with guerrillas who are “now more directly involved in the cocaine trade.” But the State Department is concerned that provision of the advanced helicopters to the CNP would embolden the force to take on “more dangerous missions, including counterinsurgency missions, due to the blackhawks survivability” [sic]. According to the paper, the helicopters should go to “the Colombian force most likely to be engaged in combat, the Colombian Army.”

Document 48



Letter, Rep. Benjamin A. Gilman, Chairman, Committee on International Relations, House of Representatives, to Secretary of State Warren Christopher, July 29, 1996, Unclassified, 2 pp.

Source: Freedom of Information Act Release to the National Security Archive

Document 49



Letter, Barbara Larkin, Assistant Secretary of State for Legislative Affairs, to Rep. Benjamin Gilman, Chairman, Committee on International Relations, House of Representatives, August 2, 1996, Unclassified, 2 pp.

Source: Freedom of Information Act Release to the National Security Archive

In his letter to Secretary of State Warren Christopher, Rep. Benjamin Gilman – Chairman of the House Committee on International Relations and a leading supporter of the Colombian National Police (CNP) – asks whether the department has received assurances that Blackhawk helicopters proposed for sale to the Colombian Army will be “used primarily for counter-narcotics purposes.” Gilman is also interested in learning how the helicopter sale will “complement the counter-narcotics efforts of the Colombian National Police.”

In reply to Gilman’s inquiries, Barbara Larkin, the State Department’s Assistant Secretary for Legislative Affairs, tells the congressman that the Colombian Army wants the Blackhawks “for a variety of missions, including counterinsurgency, its own counternarcotics operations, support to police units engaged in eradication,” and other activities. “The Army,” she notes, “does not intend to use them solely for counternarcotics purposes,” and the State Department has “not sought such assurances.” Restricting the use of the helicopters, she adds, “would compel the Army to buy elsewhere.”

Like Ambassador Frechette (See [Document 43](#)), Larkin emphasizes the improvement in joint army-police operations evident in “Operation Conquest,” a recent counterdrug action in Guaviare Department (see [Documents 44-45](#)). These operations, she suggests, demonstrate that “the Army must support the CNP by securing areas taken over by traffickers and terrorists alike.” The Army, she adds, can be expected to mount heavy machine guns on the Blackhawks “to defend against ground fire.”

Most telling is Larkin’s comment that the sale does not contradict the decision to decertify Colombia’s cooperation with U.S. counternarcotics programs: “Decertification was meant to encourage greater counternarcotics efforts by the political leadership, not to deny assistance to the police and the military,” who have been strong allies in the drug war. The U.S., she avers, must recognize “that the Colombian Army has uses for the Blackhawks other than counternarcotics.”

Document 50



U.S. Embassy Colombia, "Staffdel [Congressional Staff Delegation] Mackey Meets With Minister of Defense and Visits Coca Growing Region," September 10, 1996, Confidential, 8 pp.

Source: Freedom of Information Act Release to the National Security Archive

In September 1996 a congressional staff delegation from the office of Rep. Benjamin Gilman (R-NY) visited Colombia to discuss the Colombian military's role in counterdrug operations and the proposed sale of "Blackhawk" helicopters to the Colombian Army. The group was one of several congressional staff delegations to visit Colombia in 1996.

Colombian Defense Minister Esguerra tells the visitors that "narcoguerrillas" are protecting coca cultivations, processing labs, and airstrips, adding that there is "evidence that some guerrillas are involved themselves as coca growers, lab owners, and as first-level transporters," although they are not believed to be "nationwide or international distributors." The guerrilla presence, he tells the delegation, makes it "imperative that military join the police on the front lines." As proof of the narco-guerrilla link, Esguerra notes that recent joint counterdrug operations have provoked "large scale campesino protests ... in which the peasants are forced to participate by the FARC," and also the recent wave of FARC attacks on Colombian security forces.

The defense minister stresses the urgent need for the more advanced Blackhawk helicopter, adding that if the sale is not concluded quickly that they might be compelled to "buy from the French, English, Italians, or one of the other potential sellers." Esguerra says that there is no longer a meaningful distinction between counterdrug and counterguerrilla operations in Colombia, and thus no way to know "what percentage of the time the Blackhawks would be used in drug versus guerrilla operations."

Document 51



U.S. Embassy Bogotá cable, "Ambassador's January 12 Meeting with New MOD [Minister of Defense] Designate," January 13, 1997, Secret, 11 pp.

Source: Freedom of Information Act Release to the National Security Archive

In January 1997, U.S. officials were hoping that minister of defense designate Guillermo Alberto Gonzalez Mosquera would work to reform a Colombian military that had fallen out of favor in Washington for dragging its feet on counternarcotics, corruption and its poor human rights record. Also at issue was the negotiation of an end-use monitoring agreement that would apply to equipment given to Colombia under the President's "emergency drawdown" authority, a category under which President Clinton had authorized \$40.5 million in military equipment for Colombia in September 1996.

U.S. Ambassador Myles Frechette is undoubtedly pleased by his interview with Gonzalez, who talks tough on counterdrug issues, but also wants a "peaceful settlement" of the guerrilla war and pledges to "go after" rightist paramilitary groups. But Frechette is blunt in his criticism of a Colombian military he characterizes as pervasively corrupt. Frechette tells Gonzalez that his predecessor, Juan Carlos Esguerra, was not helpful on human rights: "He did not push the military. We hope you will push the military." Frechette also reminds the minister-designate of "the strong NGO interest in human rights matters" and stresses that emergency drawdown equipment – designated under section 506 of the Foreign Assistance Act – will not be delivered until the two governments sign an agreement on human

rights and end-use restrictions.

The ambassador saves his sharpest criticism until the end. Military assistance, he emphasizes, cannot be used against the guerrillas, noting that

the issue raises too many human rights concerns and has been a searing experience for us in Central America... The [Colombian government] has never provided any evidence of having a coherent anti-guerrilla strategy. The guerrillas cannot be overcome by force alone... All we have seen so far in the counter-insurgency strategy is improvisation.

Frechette explains to Gonzalez the U.S. government position that “not all guerrilla fronts are involved in narcotrafficking and those that are cannot be said to constitute a cartel.” The perception of the “FARC cartel,” he adds, “was put together by the Colombian military, who considered it a way to obtain U.S. assistance in the counterinsurgency.”

The military, he continues, is eligible for some assistance because of its counterdrug efforts in 1996, but the ambassador is “nervous” about working with the military, “primarily because of pervasive corruption” with respect to procurement contracts and also because of links with drug traffickers. “The Army,” Frechette complains, “steadfastly defends such elements.”

Ironically, Gonzalez was forced to resign two months later after admitting that his 1989 congressional campaign had accepted a contribution from a known drug trafficker.

Document 52



U.S. Embassy Colombia cable, “CODEL [Congressional Delegation] Hastert’s May 24-27 Visit to Colombia,” May 28, 1997, Secret, 28 pp.

Source: Freedom of Information Act Release to the National Security Archive

At the same time Congress was attaching human rights conditions to U.S. security assistance programs and negotiating a formal end-use monitoring agreement with the Colombian defense ministry, other lawmakers were secretly assuring Colombian officials that they felt such restrictions were unwarranted, and would work to either remove the conditions or limit their effectiveness.

One example of this was a congressional delegation led by Rep. Dennis Hastert (R-IL) which met with Colombian military officials, promising to “remove conditions on assistance” and complaining about “leftist-dominated” U.S. congresses of years past that “used human rights as an excuse to aid the left in other countries.” Hastert said he would correct this situation and expedite aid to countries allied in the war on drugs and also encouraged Colombian military officials to “bypass the U.S. executive branch and communicate directly with Congress.”

In another cable (See [Document 54](#)) U.S. Ambassador Myles Frechette decries the fact that a shipment of items destined for the military – which had been held up pending negotiation of an end-use monitoring agreement – arrived in Colombia while the Hastert delegation was in country, undermining Frechette’s leverage with the Colombian military leadership.

Document 53



Central Intelligence Agency, Intelligence Report, “Colombia: Paramilitaries Gaining Strength,” June 13, 1997, Secret, 21 pp.

Source: Freedom of Information Act Release to the National Security Archive

Even while Congress and Clinton administration officials were looking for ways to release millions of dollars in aid to the Colombian armed forces, intelligence reports continued to warn that the Colombian government had done little to reign in paramilitary groups associated with the military and considered responsible for the majority of massacres in many regions of the country.

This CIA report notes that recent military setbacks against the guerrillas may lead some Army officers to “see tolerance or support for the paramilitaries as one avenue for striking back.” Armed forces commander Gen. Harold Bedoya, for example, “frequently bemoans the military’s manpower shortage” and has “proposed creating a civilian militia.”

The Samper administration, the report finds, has made promising statements about cracking down on the paramilitaries, but so far “has not matched its words with deeds.” The CIA report sees

scant indication that the military leadership is making an effort to directly confront the paramilitary groups or to devote men or resources to stop their activities in an amount commensurate with the dimensions of the problem.

Moreover, the CIA expects that military leaders will “react coolly” to civilian requests to crackdown on the paramilitaries, suggesting that the perception that the Army is losing ground to guerrilla forces will “continue to tempt some officers to pursue all avenues possible to strike back at the guerrillas.” The report predicts that “informational links and instances of active coordination between military and paramilitaries are likely to continue.”

Document 54



U.S. Embassy Colombia cable, “Hold on Sec. 506 Shipment for Colombian Military,” July 1, 1997, Confidential, 3 pp.

Source: Freedom of Information Act Release to the National Security Archive

Despite the fact that the U.S. and Colombia had yet to come to an agreement regarding human rights and end-use restrictions on such assistance, the Department of Defense in July 1997 sent a shipment of material designated for Colombian security forces under the president's "emergency drawdown" authority.

Upon learning of the delivery, U.S. Ambassador Myles Frechette sent this cable complaining that the shipment "will undermine Embassy's efforts to negotiate an End-Use Monitoring (EUM) agreement." According to Frechette, a previous shipment, which arrived in May during the visit of a congressional delegation led by House Speaker Dennis Hastert, a strong proponent for releasing the aid,

convinced some senior Colombian military officers that they had the upper hand in negotiating EUM conditions and need only take a tough line and wait for [the U.S. government's] insistence on human rights conditions to be overwhelmed by the pressure of events.

As indicated in [Document 52](#), the Hastert delegation also promised Colombian military officials that they would work to weaken or remove the conditions on aid then being proposed in the EUM agreement.

Document 55



U.S. Embassy Colombia cable, "EUM [End-Use Monitoring] Talks with DEFMIN [Defense Minister] at Dead End; Recommendation," July 14, 1997, Confidential, 10 pp.

Source: Freedom of Information Act Release to the National Security Archive

This heavily excised cable provides a summary of a negotiating session on the still-unconcluded end-use monitoring (EUM) agreement involving U.S. Ambassador Myles Frechette, Colombian defense minister Gilberto Echeverri and armed forces commander Gen. Harold Bedoya. Although decertification had cutoff most U.S. aid, President Clinton waived the restrictions on condition that the two countries sign an accord indicating how such assistance will be used and specifying procedures for vetting recipient military units for human rights violations.⁽⁴⁷⁾

Frechette reports that Bedoya and his legal representative questioned the basis by which the State Department would determine which allegations of human rights abuse are "credible."⁽⁴⁸⁾ In response, Frechette told Bedoya that the current draft of the EUM agreement "was drafted to meet their concerns and was not further negotiable." The Leahy law was being applied to emergency drawdown assistance "as a matter of policy" and the State Department "was extremely unlikely to make a finding against the Colombian military solely on the basis of NGO reports." Bedoya complained "that every State Department report was slanted against the Colombian military."

Frechette's frustration with the Colombians is evident. In the cable's "Comments" section the ambassador notes, "The Colombians were only willing to promise that Colombian law would be carried out in the same unsatisfactory manner as in the past." He adds, "They fell far short of accepting the Leahy law requirements as reflected in the Department's draft agreement. They still believe the Department will change its position." Frechette recommends that equipment designated for the military be diverted to the Colombian National Police until a satisfactory agreement is signed.

Ten days after the meeting, armed forces commander Bedoya was fired by President Samper and replaced with Brig. Gen. Manuel Jose Bonett, who at the time was considered more amenable to opening peace talks with the guerrillas.⁽⁴⁹⁾

Document 56



State Department cable, "Text of Human Rights End Use Monitoring Agreement," August 2, 1997, Unclassified, 12 pp.

Source: Freedom of Information Act Release to the National Security Archive

Within a week of becoming armed forces commander, Gen. Manuel Jose Bonett had given the go-ahead to Defense Minister Gilberto Echeverri on the end-use monitoring (EUM) agreement demanded by the U.S. as a precondition for the distribution of military assistance.

The agreement states that assistance will only be provided to Colombian military units "that are operating in those geographic areas characterized by the highest concentration of counternarcotics activity, requiring the active presence" of military forces "for the purpose of assisting, protecting, and pursuing such activity." The agreement further stipulates that "articles or services" provided to a unit are to "remain in the designated area," even if the unit is assigned a mission outside the zone. The document, however, does not specify how "services," such as military training, can be limited to a particular geographic area if the individual or unit is transferred to another department.

With respect to the human rights conditions established by the Leahy law, the agreement requires the Colombian Ministry of Defense to submit semi-annual reports to the U.S. Embassy regarding ongoing investigations, prosecutions or punishments applied to members of units proposed to receive U.S. aid.

Document 57



State Department cable, "Clarification of U.S. Counternarcotics Assistance," October 25, 1997, 2 pp.

Source: Freedom of Information Act Release to the National Security Archive

During his visit to Colombia in October 1997, U.S. "Drug Czar" Barry McCaffrey raised eyebrows with his use of the term "narco-guerrilla," interpreted by many as an indication that the U.S. was encouraging the Colombians to go after drugs and insurgents with equal vigor.⁽⁵⁰⁾

In this cable, the State Department relays its concern to the Embassy that McCaffrey's comments "have been misinterpreted by the government of Colombia, particularly [Colombian Army] Commander Bonett, as authorizing the widespread use of U.S. counternarcotics assistance for counterinsurgency purposes." U.S. Ambassador Myles Frechette is asked to meet with Bonett to clarify the U.S. position.

According to the talking points prepared for the Embassy, the U.S. does not intend to support counterinsurgency operations. However, the State Department recognizes the "definite, growing, link between the guerrillas and the narcotics traffickers in Colombia." The Colombians are to be told specifically that "counternarcotics assistance may be used to confront anyone, including the guerrillas, who is directly involved in narcotics trafficking."

Document 58



U.S. Embassy Colombia cable, "Colombia EUM [End-Use Monitoring] Update: Embassy Lights a Fire Under MOD [Minister of Defense]," January 15, 1998, 6 pp.

Source: Freedom of Information Act Release to the National Security Archive

More than five months after the signing of the end-use agreement, this cable reveals the frustrations of U.S. Embassy officials who have not yet received a satisfactory human rights certification report from the Colombian defense minister. The first report, submitted to the embassy in late-1997, was found to have a "systematic error."

According to the cable, embassy officials have recently made at least two direct attempts to get the Colombians on track, and have specifically requested more information on the 1997 paramilitary massacres at Mapiripán and Miraflores. Meanwhile, military aid, including M-60 machine guns, has continued to arrive in Colombia but will be held in a warehouse "until the embassy receives and confirms the certification required under the EUM agreement."

Document 59



U.S. Embassy Colombia cable, "Colombia EUM [End-Use Monitoring] Update: Final Data Received," February 17, 1998, Confidential, 2 pp.

Source: Freedom of Information Act Release to the National Security Archive

Under the 1997 End-Use Monitoring agreement (EUM) the Colombian minister of defense was required to provide the

U.S. Embassy with a list of members of units proposed for U.S. assistance who are under investigation for “gross violations” of human rights.

This February 1998 cable reports 50 such cases among the six units nominated for U.S. aid. Of these, only the 24th Brigade and the Eastern Specified Command (COE) – both of which were ultimately cleared to receive support – are free of violations. The 12th Brigade, which was also cleared by the State Department, lists seven cases under review.

22 of the 50 cases involve individuals from other units who have since transferred into the units nominated to receive assistance. The document does not indicate which of the six units these individuals had been transferred into, leaving open the possibility that despite their reportedly clean records, current members of the 24th Brigade or the Eastern Specified Command may have committed violations while in previous posts. Both of these units began to receive U.S. assistance in 1998. The 24th Brigade was cutoff from further assistance in 2000 due to human rights concerns.

Document 60



State Department cable, “Requests for Further EUM [End-Use Monitoring] Information Regarding COLAR [Colombian Army] 12th Brigade,” March 27, 1998, Confidential, 3 pp.

Source: Freedom of Information Act Release to the National Security Archive

Now almost eight months after signing the agreement on end-use monitoring, only two units – the 24th Brigade and the Eastern Specified Command (COE) – have been cleared to receive U.S. security assistance. This cable – a request for more information on the alleged human rights crimes associated with members of the Army’s 12th Brigade – underscores the frustrations of State Department officials who have had little success in identifying Colombian military units able to meet the necessary human rights conditions. The State Department asks the embassy to assess the credibility of the allegations against the 12th Brigade, and requests specific information on cases involving alleged “illegal detention” and other violations.

Noting that units approved for aid had been established relatively recently, the Department also asks whether any other recently formed units – including the Army’s Third Mobile Brigade – would be eligible for U.S. assistance under the prevailing human rights restrictions.

Document 61



State Department, Bureau of Intelligence and Research, Intelligence Assessment, “Colombia: Momentum Against Paramilitaries Lost,” April 7, 1998, Secret, 2 pp.

Source: Freedom of Information Act Release to the National Security Archive

In 1997 the Colombian government appeared to be taking steps to crack down on illegal paramilitary organizations responsible for a number of massacres and other human rights crimes throughout the country. One massacre in particular – the July 1997 killings of dozens of civilians in the town of Mapiripán – helped galvanize public opinion against the groups, and brought intense scrutiny on Colombian security forces believed to have enabled this and other killings.

These incidents, combined with strong U.S. and international pressure, led Colombian President Samper to publicly condemn the activities of illegal paramilitary groups and declare the massacres “an aggression against the Colombian state.” In December, the president vowed to pursue the paramilitaries in the same manner as the guerrillas and announced the establishment of a new unit tasked with finding and arresting paramilitary leaders. At the same time, Samper also declared the imposition of new restrictions on the government-sponsored “Convivir” self-defense groups, also criticized for their illegal activities.⁽⁵¹⁾

By April 1998, however, the State Department had become less confident of the Colombian government’s commitment to reigning in the paramilitaries. According to this intelligence report, the recent string of stunning military defeats at the hands of guerrilla forces – including the March 1998 attack on Army forces at El Billar – “promises to focus the army’s attention on counterinsurgency while adding momentum to those in the government and military who argue that paramilitaries are a useful tool against the insurgents.” The report also suggests that the earlier crackdown on paramilitary groups “may have been driven by larger political and economic interests.”

Document 62



State Department cable, “Military Assistance to the Colombian Army’s 7th Brigade and 2nd Mobile Brigades,” June 23, 1998, Confidential, 4 pp.

Source: Freedom of Information Act Release to the National Security Archive

Document 63



U.S. Embassy Colombia cable, “Military Assistance to Colombian Army’s 7th and 12th Brigades, and 2nd ‘Brim,’” August 26, 1998, Confidential, 13 pp.

Source: Freedom of Information Act Release to the National Security Archive

On June 23, 1998, the State Department cabled a list of follow-up questions to the embassy regarding “alleged human rights abuses committed by current and former members of the Colombian Army (COLAR) 7th Brigade and 2nd Mobile Brigade.” Both units were implicated in the July 1997 paramilitary massacre at Mapiripán. The cable also requests embassy comments on a State Department suggestion that the U.S. support the establishment of new Colombian military units since it was proving difficult to find existing units with clean human rights records.

The embassy's reply of August 26 responds to both the June 23 cable and to the State Department's earlier request for more information on the alleged human rights crimes associated with current members of the Army's 12th Brigade (See [Document 60](#)). In response to the proposed creation of new military units, the embassy notes that U.S. assistance "is so marginal/inconsequential and so circumscribed that the [Colombian Army] is unlikely to submit itself to contortions that would also risk subjecting it to public humiliation." The embassy adds, however,

With the advent of the new Pastrana government, if the [U.S. government] should decide to substantially/substantially up the ante in terms of the aid we are willing to supply, this might be worth broaching, but the odds would still be against it.

As it turned out, U.S. training for the first of three new Colombian Army battalions began in April 1999. The unit, a 950-man counternarcotics battalion, was supported through a relatively obscure section of the Department of Defense Authorization Act not requiring prior consultation with Congress. The only limitation on this kind of aid, known as "Section 1004," is the Leahy law provision restricting training for units not taking "all necessary corrective steps" to deal with human rights violators in their ranks.⁽⁵²⁾

These units were created to spearhead the Colombian Army's "push into southern Colombia," and have actively coordinated their operations with the Army's 12th, 24th and Second Mobile brigades, all of which were suspended from receiving U.S. assistance due to concerns over human rights violations.⁽⁵³⁾ Reports of collaboration between the 24th brigade and paramilitary groups in southern Colombia have been documented as recently as September 2001.⁽⁵⁴⁾

Document 64



Central Intelligence Agency, Intelligence Report, "Colombia: Paramilitaries Assuming a Higher Profile," August 31, 1998, Secret, 12 pp.

Source: Freedom of Information Act Release to the National Security Archive

This CIA report, a composite of two versions released under the Freedom of Information Act with different excisions, warns that the influence of paramilitary groups is likely to increase in coming months even as the government has pledged to crack down on the illegal organizations. The document cites two recent paramilitary massacres in Barrancabermeja and Puerto Alvira as evidence of "the government's inability to curb the paramilitary threat." The paramilitaries, the report notes, are out to establish themselves as "a legitimate political actor" and hope to participate as an equal partner in any ensuing peace negotiations.

The CIA also believes that Colombian “senior military officials,” frustrated by recent military setbacks, “may increasingly view turning a blind eye – and perhaps even offering tacit support to – the paramilitaries as their best option for striking back against the guerrillas.” Under present conditions, the report concludes, “informational links and instances of active coordination between the military and the paramilitaries are likely to continue and perhaps even increase.”

Document 65



U.S. Department of Defense (Joint Staff) cable, “Human Rights Verification for DOD-Funded Training Programs with Foreign Personnel,” November 14, 1998, Unclassified, 6 pp.

Source: Freedom of Information Act Release to the National Security Archive

This message sets forth interim guidance to U.S. military commanders and other Department of Defense (DOD) personnel in complying with the new provision in the 1999 Defense Appropriations Act, applying the “Leahy law” human rights standard to Pentagon training activities with foreign security forces. The law specifies that DOD funds cannot be used to train a foreign unit if the State Department finds “credible evidence” that a member of that unit has committed gross violations of human rights unless “necessary corrective actions” are taken.

The provision was the first time that human rights conditions, which had applied to State Department aid programs since 1997, were applied to funds appropriated for DOD. The key difference between the two was that the State law (since 1998) pertained to all State Department programs funded under the Foreign Operations Act and compelled foreign governments to take “effective measures” to bring perpetrators of human rights crimes to justice. The DOD provision, however, affects only training activities, and requires only that “necessary corrective steps” be taken to allow the training to continue. Such steps can include, under the guidance, “adjustments of planned activity and/or adjustments to foreign participants.” Where such corrective actions are not possible, the Secretary of Defense may issue a waiver of the conditions to allow the training to continue.⁽⁵⁵⁾

Activities not covered by the new provision include military exercises, “individual and collection interface activities,” and other “bona fide familiarization and orientation visits.”

Document 66



U.S. Embassy Colombia cable, “EUM Agreement: Signed, Sealed, and Delivered,” January 25, 2000, Unclassified, 2 pp.

Source: Freedom of Information Act Release to the National Security Archive

This cable reports the signing of an amendment to the 1997

End-Use Monitoring Agreement (EUM) by which the Colombian government agreed to restrict the use of U.S. material aid or training to counternarcotics operations within designated areas of the country. Under the amendment the “previously designated ‘box’” is effectively dissolved. The new provision defines the “designated areas” as: “The entire national territory of the Republic of Colombia, including its territorial waters recognized by international law, and its airspace.”

Document 67



U.S. Embassy Colombia cable, “Human Rights Review of Unit Proposed Under End-Use Monitoring Agreement: Colombia’s JTF-S (“Joint Task Force South”) Command Element,” February 4, 2000, Unclassified, 2 pp.

Source: Freedom of Information Act Release to the National Security Archive

U.S. training of the Colombian Army’s First Counternarcotics Battalion began in April 1999, under an obscure section of the defense budget known as Section 1004, a provision that does not require congressional notification. The unit became operational in December 1999, seven months before President Clinton approved funding for “Plan Colombia.” A major component of Plan Colombia is the “push into southern Colombia” coordinated by Joint Task Force South (JTF-S), controlling the activities of several subordinate units including the counternarcotics battalion.

In this February 2000 cable, Embassy officials request that the State Department determine whether the “command element” of JTF-S is eligible to receive U.S. counterdrug assistance under the provisions of the Leahy law and the End-Use Monitoring Agreement (EUM). Ultimately cleared for assistance, the seven commanders of JTF-S were vetted as a distinct unit, separate from the units under the task force’s control. These subordinate units, the cable notes, have all been cleared by the State Department with the exception of the 2nd Mobile Brigade, members of which had been accused helping to coordinate the 1997 paramilitary massacre at Mapiripán. Two other units, the 12th and 24th brigades, were suspended from further assistance later that year, although the U.S.-supported counternarcotics brigade continued to coordinate its activities with these units under the JTF-S.[\(56\)](#)

Document 68



U.S. Embassy Colombia cable, “Colombia UH-60 Helicopter Purchase – Exim Bank Financing,” April 26, 2000, Unclassified, 2 pp.

Source: Freedom of Information Act Release to the National Security Archive

Although the Bush administration has asked that restrictions on the use of U.S. security assistance to Colombia be lifted, this cable suggests that long before the current proposal, the State Department interpreted the language of the 1997 End-Use Monitoring Agreement (EUM) to permit the use of such aid in “counter-terrorism” operations.

In the document, the Embassy supports a proposed arrangement in which the Export-Import Bank of the United States would finance the purchase of UH-60 Blackhawk helicopters by the Colombian military. Under the agreement, the Colombian Ministry of Defense has given assurances that the helicopters “will be primarily used in counter-narcotics and counter-terrorism operations.”

Document 69



U.S. Embassy Colombia cable, “Part of the 1st CN Battalion Deployed to Southern Putumayo; Logistical Support from 24th Brigade,” June 26, 2000, Confidential, 2 pp.

Source: Freedom of Information Act Release to the National Security Archive

On May 11, 2000, the first company of soldiers from the U.S.-supported First Counternarcotics Battalion was deployed to southern Colombia and was under the operational control of Joint Task Force South (JTF-S), which was spearheading the Army’s counternarcotics campaign in Putumayo and other areas. In this cable, Ambassador Curtis Kamman feels compelled to flag for the State Department that the battalion is operating alongside and with the support of the Army’s 24th Brigade, a unit denied U.S. security assistance in 1999 due to human rights concerns.

The counternarcotics battalion’s “Bravo Company” “has been operating in the 24th Brigade’s area of operations since May 11,” the cable reports, “and will remain there indefinitely.” The company is “bedding down” with the brigade’s 31st Battalion “which has been tasked to provide Bravo Company with logistical support.” While operational control rests with the vetted commanders of JTF-S, “the 24th Brigade would provide any quick reaction force needed to reinforce Bravo Company should the need arise.” Because of the 24th Brigade’s “questioned vetting status” Kamman wants to “note this deployment for the record.”

Document 70



State Department cable, “Approach to MOD [Minister of Defense] on 24th Brigade,” July 5, 2000, Secret, 3 pp.

Source: Freedom of Information Act Release to the National Security Archive

In this cable the State Department forwards talking points to Ambassador Kamman detailing how he should approach the Colombian Minister of Defense about U.S. concerns over allegations of human rights violations by members of the Army’s 24th Brigade. The brigade, considered a vital component of U.S. counternarcotics strategy in southern Colombia, had recently been accused of several human rights crimes, including the execution of three campesinos detained at a roadblock near San Miguel, Putumayo. The 24th Brigade was denied U.S. assistance in September 2000, but continued to act as an integral part of Joint Task Force

South, the command spearheading the first phase of “Plan Colombia,” and which would eventually include all three U.S.-supported counternarcotics battalions.

Kamman is to stress that “the participation of the 24th Brigade is critical for counternarcotics operations and the success of Plan Colombia,” but that the U.S. “cannot provide assistance to the 24th Brigade” until the Colombians finish their investigation of the incident, and only then if the investigation is “thorough and either disproves the allegations or recommends appropriate sanctions for those involved.”

The ambassador is also asked to note “persistent reports that the 24th Brigade, and the 31st Counter guerrilla Battalion in particular, has been cooperating with illegal paramilitary groups that have been increasingly active in Putumayo.” As noted in [Document 69](#), the Bravo Company of the U.S.-backed First Counternarcotics Battalion had been bunking with, and receiving logistical and other support from, the 31st Counter guerrilla Battalion and the 24th Brigade since it arrived in Putumayo on May 11, 2000.

Notes

39. See Nina M. Serafino, “Colombia: The Problem of Illegal Narcotics and U.S.-Colombian Relations,” Congressional Research Service, May 11, 1998.

40. Gabriel Escobar, “Colombian Insurrection Becoming Civil War; Guerrillas Chronically in Hills Take On Army -- Which Turns to Bogotá for Funds,” *The Washington Post*, October 28, 1996; Pamela Mercer, “Rebels Kill 80 in Strongest Attacks in Colombia in Decades,” *The New York Times*, September 2, 1996.

41. Public Law 103-306, August 23, 1994, 108 STAT. 1621; See Human Rights Watch, “Colombia’s Killer Networks: The Military-Paramilitary Partnership and the United States,” Chapter VI, November 1996.

42. Assistant Secretary of State Robert Gelbard, for example, told a news conference, “It is crystal clear . . . that narcotics interests have gained an unprecedented foothold in Colombia, undermining much of the progress that Colombia’s most motivated public servants would have hoped to have made.” See Pierre Thomas and Ann Devroy, “U.S. Faults Colombia’s Drug Effort; Administration Revokes Eligibility for Most Aid,” *The Washington Post*, March 2, 1996; See also Diana Jean Schemo, “Bogotá Leader Assails U.S. and May End Cooperation,” *The New York Times*, March 2, 1996; Douglas Farah, “U.S.-Bogotá: What Went Wrong? ‘This Is a Decertification Not of Colombia, but of President Samper,’” *The Washington Post*, March 3, 1996.

43. Isacson and Olson, pp. 221-22; Human Rights Watch (2001), pp. 81-82.

44. Douglas Farah, “United States Resumes Aid to Colombia; Threat From Guerrillas Overrides White House Concerns Over Military,” *The Washington Post*, December 27, 1997.

45. State Department cable, “ARA Press Guidances, October 14, 1997,” October 16, 1997.

46. See Human Rights Watch, *The "Sixth Division": Military-Paramilitary Ties and U.S. Policy in Colombia* (New York: Human Rights Watch, 2001), pp. 90-91; Isacson and Olson, p. 35
47. Douglas Farah, "U.S. Aid in Limbo as Colombian Army Fails to Provide Evidence on Rights Abuses," *The Washington Post*, January 10, 1998.
48. An earlier cable, not included in this collection, summarizes a meeting at which Bedoya's legal adviser objects to the term "credible evidence," the same language as appears in the Leahy law. U.S. Embassy Colombia cable, "Bedoya Lawyer Blocks EUM Accord," July 8, 1997.
49. Bonett later told reporters that he would accept any counterinsurgency aid the U.S. wished to provide including "atomic bombs"; See Douglas Farah, "Colombian Rebels Seen Winning War; U.S. Study Finds Army Inept, Ill-Equipped," *The Washington Post*, April 10, 1998.
50. McCaffrey also said: "With the unholy alliance between the cocaine industry and the revolutionary guerrilla movement, the drug-trafficker threat to Colombian civil democratic society has again ratcheted up," in his address at a military academy. "The melding of revolution and international criminal organizations have created an unprecedented threat to democracy, the rule of law, and the very fabric of society." See "McCaffrey: Rebels working with drug gangs in Colombia; 'Unholy alliance' called threat," *The Houston Chronicle*, October 21, 1997.
51. U.S. Embassy Colombia cable, "Paramilitary Carnage Prompts Colombian Government Response," December 2, 1997.
52. Human Rights Watch (2001), pp. 83-84; Isacson and Olson, 1999, pp. 141-42.
53. Aid to the 12th Brigade resumed in December 2000, Human Rights Watch (2001), p. 97.
54. Human Rights Watch (2001), pp. 15-36.
55. See also Isacson and Olson (1999), p. 221.
56. Human Rights Watch (2001), pp. 96-97.

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