

REPORT RELATING TO THE INTERDICTION OF
AIRCRAFT ENGAGED IN ILLICIT DRUG TRAFFICKING

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

REPORT INCLUDING MATTERS RELATING TO THE INTERDICTION
OF AIRCRAFT ENGAGED IN ILLICIT DRUG TRAFFICKING, PURSU-
ANT TO PUB. L. 107-108 22 U.S.C. 2291-4



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THE WHITE HOUSE,
Washington, February 19, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Consistent with the authorities relating to official immunity in the interdiction of aircraft engaged in illicit drug trafficking, (Public Law 107-108, 22 U.S.C. 2291-4), and in order to keep the Congress fully informed, I am providing a report prepared by my Administration. This report includes matters relating to the interdiction of aircraft engaged in illicit drug trafficking.

Sincerely,

GEORGE W. BUSH.

UNITED STATES ASSISTANCE FOR THE INTERDICTION OF AIRCRAFT
ENGAGED IN ILLICIT DRUG TRAFFICKING

(A) Colombia is the only country for which the President made a certification under 22 U.S.C. 2291-4 in calendar year 2003. The President signed Presidential Determination 2003-32 on August 18, 2003, certifying with respect to Colombia that: (1) interdiction of aircraft reasonably suspected to be primarily engaged in illicit drug trafficking in Colombia's airspace is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of Colombia; and (2) Colombia has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with such interdiction, which shall at a minimum include effective means to identify and warn an aircraft before the use of force is directed against the aircraft.

On August 21, 2003, the Airbridge Denial (ABD) Program in Colombia began operations. In making a certification for Colombia, the President determined that narcotrafficking posed an extraordinary threat to Colombia's national security on the basis of several factors. These factors include the fact that Colombia is the world's largest producer of cocaine and a supplier of high quality heroin; that Colombia faces a growing cocaine abuse problem; that Colombian drug trafficking officials suborn Colombian officials and pay illegal armed groups to protect their organizations; that illegal revenue from the Colombian drug trade disrupts the licit Colombian economy; and that narcotrafficking presents a corrosive threat to the democratic institutions of government and law enforcement. Significantly, drug trafficking also serves as the primary source of funding for the Revolutionary Armed Forces of Colombia (FARC) and an important source of funding for the Colombian United Self-Defense Forces (AUC) and the Colombian National Liberation Army (ELN).

As is indicated in section (D) below, the Government of Colombia (GOC) observed over 200 unidentified flights in its airspace in the 4 months of 2003 in which the program operated. (About 40 of these flights were later determined to be legal.) This aerial activity further supports the concerns raised in the President's determination for Colombia.

(B) The ABD Program in Colombia is based upon an approved set of procedures and United States safety oversight. The United States Government safety oversight of the ABD program includes approved ABD procedures, as outlined in a Bilateral Letter of Agreement signed April 28, 2003; a safety checklist; and three primary United States Government safety monitors: a ground safety monitor (GSM), an air safety monitor (ASM), and a Joint Inter-agency Task Force—South (JIATF-S) and ABD watch officer. These three safety monitors are known as the ABD safety triad. All three entities in the safety triad must be involved in all events in

which Phase I, II, and III actions (as described below) are taken against an unidentified assumed suspect (UAS) flight in the air. The basic procedures for intercepting as UAS flight are as follows:

- *Detection, Sorting, and Identification*

When the GOC detects or is informed of an aircraft operating in a defined zone of control that is a candidate for possible ABD action (a track of interest), information on that aircraft shall be gathered by the GOC from all reasonably available sources, including radar systems, radio and visual contact with the aircraft, electronic systems (which help determine whether the plane is traveling on a filed flight plan and what type of plane it is), and relevant air traffic control centers to begin to determine whether the aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking. That determination shall be made by the Battle Commander Officer (BCO) in the Colombian Air Force's Command and Control Center, based upon certain factors set out elsewhere in the Agreement, in conjunction with other information provided to GOC and United States Government participants in the ongoing action.

- *Monitoring*

If the GOC determines or has preliminary reasons to believe that an aircraft is primarily engaged in illicit drug trafficking, that aircraft shall be traced and monitored. If tracking is intermittent, positive re-identification shall be made with reasonable certainty before the ABD event may continue. If the GOC has been unable to identify the track of interest as a legitimate track, the aircraft shall be considered suspect by the Colombian Air Force (CAF) under CAF procedures and may be intercepted.

- *Phase I—Interception.* The interception phase (Phase I) includes attempts to contact the intercepted aircraft by radio and, if necessary, by visual signals in order to determine the identity of the pilot or intercepted aircraft. If, during this Phase, the GOC determines that the aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking (on the basis of several considered factors), the CAF may order the intercepted aircraft to land at a designated place suitable for a safe landing. If, after being intercepted, the aircraft does not comply with the procedures and instructions given by the CAF, the pilot may request permission to proceed to Phase II.

- *Phase II—Use of Warning Shots.* Phase II consists of the firing of warning shots, using ammunition containing tracer rounds, in order to demonstrate to the pilot of the intercepted aircraft that he must comply with the interceptor's order. If all of the procedures required under the Agreement have been followed, if the information gathered continues to indicate that an aircraft is suspect, and if the aircraft fails to respond to the interceptor's order to land, the GOC may, in accordance with the following, move to Phase III.

- *Phase III—Firing of Weapons at Intercepted Aircraft in the Air.* If, after warning shots are fired under Phase II, the intercepted aircraft does not acknowledge or follow the interceptor's directions, the Colombian interceptor aircraft may only fire

weapons at the intercepted aircraft if he requests and receives permission to do so (Phase III). The Commander of the Colombian Air Force (COCAF) must review all such requests. The COCAF may approve such requests after verifying that all procedures required under the Agreement have been followed. Upon receipt of the authorization, the interceptor aircraft shall warn the intercepted aircraft, using ICAO radio communications procedures and using the appropriate frequencies, that it will be fired upon if it refuses to comply.

The interceptor shall use reasonable force to disable the intercepted aircraft, starting with a minimum level of fire in an attempt to persuade the intercepted aircraft to land as directed. The intercepted aircraft shall be given a reasonable opportunity to obey the previously issued orders to land before the interceptor uses additional force. Levels of force may be increased if the intercepted aircraft continues to refuse to follow the interceptor's directions. It is acknowledged that even the minimum level of force could result in loss of life. If the intercepted aircraft has landed or been shot down, the interceptor aircraft or tracker aircraft shall give immediate notice to the Colombia Air Force Command and Control Center of the location of the intercepted aircraft.

The Agreement requires similar identification and warning procedures when a suspected narcotrafficking aircraft has been located on the ground. Further, the Agreement contains additional strictures on the use of force, including a prohibition on the use of force against state or commercial aircraft, aircraft that have filed and are not significantly deviating from a flight plan, aircraft whose pilots appear to be incapacitated, and aircraft whose pilots genuinely appear to be under duress.

The United States Government initially trained the GOC's pilots and sensor operators to operate the Citation aircraft involved in the program. Pilot and crew refresher training as well as training of new Colombian personnel are on-going as the program matures. Semi-annual reviews of the program will address any issues that have arisen in the program's implementation. Further, the United States Government receives weekly and monthly reports on program events.

(C) United States Government assistance to the ABD Program in Colombia consists of the following:

The United States Government provides a number of positions to Colombia's ABD program. These positions include a DOD JIATF-S Tactical Commander and Command Duty Officer; a Ground Safety Monitor in the Colombian Air Force Command and Control Center (CAFCCC); Air Safety Monitors on board GOC tracking aircraft; and a Host Nation Rider Assistant on board United States tracking and detection/monitoring aircraft. Both Monitors and the Host Nation Rider Assistant are fluent in Spanish.

JIATF-S, as United States Tactical Commander, exercises command and control of United States ABD assets through JIATF-S's Joint Operations Center (JOC). The JIATF-S Command Duty Officer is the Tactical Commander's senior watch officer at the JOC. The Ground Safety Monitor is the U.S. representative at the CAFCCC during ABD operations. The Air Safety Monitor is the

U.S. representative on GOC tracking aircraft and is available to observe decisions made by GOC personnel, communicate with the U.S. Ground Safety Monitor and the JIATF-S Command Duty Officer, and report to them whether the agreed-upon procedures are being followed. The Host Nation Rider Assistant is a U.S. representative who assists the Host Nation Rider. The Counter Drug Operation and Coordination Center, which is located in the CAFCCC, will assist in coordination, information exchange, and analysis between JIATF-S and CAFCCC. An employee of the Narcotics Affairs Section in the U.S. Embassy in Bogotá is devoted exclusively to overseeing implementation of this program.

The United States Government has provided three Citation aircraft to the GOC on a no-cost loan basis for use in the ABD program, and provides ongoing radar information and intelligence.

Additional United States Government assets (both aircraft and personnel) from the Department of Defense and the Bureau of Immigration and Customs Enforcement can provide support for this program under the conditions contained in the Agreement.

In addition, the GOC has agreed that the six United States Government-supported ground-based radars and the Peace Panorama System (which is the airspace management system linking ground-based radars in Colombia to a central radar picture) constitutes United States Government support for ABD.

(D) From August 21, 2003 until December 21, 2003, the GOC, with the assistance of the United States Government as described in section (C), identified over 200 unidentified assumed suspect (UAS) flights within Colombian airspace. Over 40 of these flights were determined to be legal flights. The GOC was in a position to act upon approximately 85 of these UAS flights. The GOC forced down six (6) suspect drug trafficking aircraft, destroyed four (4) of those aircraft on the ground, and seized 5.9 metric tons of cocaine. The United States Government is unaware of any deaths or injuries resulting from these actions.