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Peru Investigation Report: The April 20, 2001 Peruvian Shootdown Accident

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[Abbreviations List](#)

INVESTIGATIVE CHARTER AND METHODOLOGY

Summary

On April 20, 2001, as part of a Peruvian-U.S. counternarcotics airbridge denial program (ABDP), a Peruvian Air Force (FAP) A-37 aircraft interceptor fired on a civilian floatplane carrying five U.S. citizens after mistaking its behavior for that of a narcotics trafficking aircraft. A U.S. aerial tracking aircraft initially detected the aircraft and provided the information used to follow and intercept the floatplane. Two U.S. citizens in the floatplane were killed during the interception. As a result of this accident, the United States and the Government of Peru (GOP) agreed to a joint investigation of the facts related to the interdiction of the aircraft, owned by the Aviation Company of the Association of Baptists for World Evangelism (ABEM), and make recommendations that would help avoid such a tragedy in the future.

American Investigative Team

For the United States, an interagency team comprised of representatives from the U.S. departments of State and Defense, the U.S. Interdiction Coordinator, and the Central Intelligence Agency was formed on April 27. The White House designated the State Department's Assistant Secretary of State for International Narcotics and Law Enforcement Affairs (INL), Rand Beers, as the team leader.

Peruvian Investigative Team

For the Government of Peru, the ministries of Foreign Affairs and Defense formed an investigation team the week of April 22. The GOP designated Peruvian Air Force Major General Jorge Kisic Wagner, Commander of Operations, as the team leader.

Charter of the Joint Investigative Team

- Establish the facts and circumstances, including systemic or procedural matters, that contributed to the April 20 interdiction of the U.S. missionary floatplane, and the death of two U.S. citizens.
- Make recommendations, if any, to the appropriate U.S. and GOP authorities as to the modifications that might be required to minimize a possible repetition of this incident.
- The team was not authorized to:
 - make a recommendation or determination with regard to the suspension or start-up of

counternarcotics aerial intercept operations in Peru;

- question witnesses under oath or receive sworn testimony; or
- examine misconduct or fix blame.

Implementation of the Joint Investigative Team Charter

- Review relevant U.S. and Peruvian information related to the ABDP.
- Interview, but not depose, U.S., Peruvian or other nationals that may have information pertinent to carrying out the charter of the joint investigative team.
- Review counternarcotics procedures and training conducted by U.S. and Peruvian ABDP participants, including written training and procedures guidelines for both the U.S. and Peru.
- Determine what protocols, procedures and declarations were in force at the time of the incident, and how they were publicly disseminated to alert the Peruvian aviator public of the counternarcotics airbridge denial procedures in effect.
- View Peruvian locations to assess field conditions, bilateral working relationships, implementation of procedures, and availability and condition of relevant equipment.

HISTORY OF THE PERUVIAN AIRBRIDGE DENIAL PROGRAM

Aerial Drug Flow

Narcotics traffickers have traditionally favored air transportation of drugs and drug money within the Andean region, due to the speed and ability to access outlying areas far from government control and/or serviceable roads or rivers. In the case of Peru, an aerial transportation route, or "airbridge" between the coca-cultivating areas of Peru and the cocaine refining areas of Colombia, developed in the late 1980's as a major means to move semi-refined cocaine to Colombia, with return flights bringing drug dollars back to Peruvian traffickers and coca-cultivating communities. At the height of this airbridge in 1994, the U.S. detected over 428 international narcotics flights leaving Peru with an estimated 310 metric tons of semi-refined cocaine. The estimated average per flight load in 1994 was 727 kilograms. Drawing on its own sources of information, the Peruvian Air Force (FAP) placed the average number of international trafficking aircraft even higher, at 270 flights per month, with each flight carrying 500 kilograms.

Airbridge Results

Since March 1995, the FAP has shot or forced down more than 38 trafficking aircraft and seized more than a dozen on the ground. There are no statistics on the hundreds of aircraft annually checked and released by both the police and FAP as a matter of routine. In recent years, the deterrent effect of the airbridge denial program has been evident as the pace of interceptions has slowed down and traffickers have sought alternative routes to move drugs. In addition, the total amount of coca cultivation in Peru has fallen dramatically since 1995, from 115,300 hectares to 34,100 hectares in 2000, as a direct result of the interdiction of the airbridge. That said, air transportation of drugs remains one of the preferred methods of transportation of large cash and drug shipments. In the past year and a half, a trafficking aircraft was intercepted and shutdown on July 17, 2000, and there were two forcedowns of trafficking aircraft, one on December 18, 2000 and one on January 21, 2001.

U.S. Aerial Tracking

The U.S. began consistent aerial monitoring of the Peru-Colombia airbridge in 1990, under the U.S. Southern Command program "Support Justice." The objective of the program was to use U.S. aerial tracking aircraft, such as AWACs and P-3s, to confirm anecdotal law enforcement information regarding the frequent use of small private aircraft to quickly move the majority of cocaine products within the Andean region. Support Justice provided objective data on the non-commercial routes being used by trafficking aircraft, the flight times, departure points and final destinations. This information was passed to the appropriate Peruvian civilian and military officials in the Peruvian government, in order to make them aware of the problem and to initiate bilateral discussions on how these flights could be stopped. Beginning in 1998, U.S. aerial tracking sorties over Peru were reduced, as demand grew for these assets in other parts of the world, and the flow of narcotics

trafficking aircraft over Peruvian territory appeared to lessen.

Bilateral Framework Document

In May 1991, the U.S. and Peru signed a bilateral counternarcotics framework document that set the policy stage for all aspects of counternarcotics cooperation, but also included a reference to cooperation against aerial trafficking. Section B.13 stated in part "...the GOP [Government of Peru] shall propose policies designed to remove incentives for drug trafficking. The GOP may also set policies for coordination among the Peruvian National Police, the Army, the Navy and the Air Force so as to achieve prompt results in matters related to security, controls, interceptions and required seizures."

The Peruvian implementation of the air interdiction portion of the 1991 document was initially achieved by interdicting flights at the point of departure or arrival on the ground within Peru. These counternarcotics efforts consisted of pre-positioning law enforcement units at clandestine airstrips to catch traffickers loading or unloading aircraft on the ground; destroying trafficker airstrips with explosives; and intensifying passenger and cargo searches of Peruvian aircraft.

FAP Counternarcotics Efforts

In 1992, Peruvian Decree Law Number 25426 was passed, which directed the FAP to take control of all airports and airfields in the Huallaga Valley and other areas associated with drug trafficking. In the Huallaga Valley alone, the FAP had established 16 "aeronautical control bodies" at airports and airfields. These FAP units reviewed flight plans, enforced evening flying curfews, and monitored point-to-point flying times for domestic aircraft, to ensure that there were no interim landings for illicit drug activities. The decree law also contemplated the use of arms against narcotics trafficking civil aircraft under very restricted conditions and in conformity with Peruvian Civil Aeronautics Law Number 24882 and the international procedures for interception established by the International Civil Aviation Organization (ICAO)¹.

¹Annex B, Exhibit 1

Beginning in 1993, the U.S. began passing real-time information on drug trafficking aircraft to the FAP so that aerial interceptions could be performed. The information was generated by U.S.-operated ground based radars and aerial tracking platforms located in and around coca cultivating regions.

In the 1994-95 time period, these aerial interceptions forced Peruvian coca leaf prices to drop precipitously from \$80.00 per 100 pounds to \$7.00 per 100 pounds in some areas, as drug-cultivating farmers were cut off from the aerial trafficking pipeline. About half of the trafficking aircraft intercepted by the FAP were seized or destroyed on the ground. The rest were shot down after exhausting international procedures for interception. Records show that from 1995 to the present, very few drug trafficking aircraft intercepted in Peruvian airspace complied with instructions to land, even after warning FAP aircraft fired shots. Up until the subject of this investigation however, there were no known cases of mistaken identity or innocent deaths.

U.S. Suspension of Program

U.S. intelligence support for the FAP airbridge intercept program was suspended in April 1994, after a legal review by the Department of Justice determined that U.S. intelligence support to implement Peruvian "use of force" policies against civilian trafficking aircraft could place U.S. and Peruvian officials at risk of committing a U.S. federal felony by aiding and abetting the destruction of: *"a civil aircraft registered in a country other than the United States while such aircraft is in service or cause damage to such an aircraft which renders that aircraft incapable of flight or which is likely to endanger that aircraft's safety in flight"* (18 United States Code, Section 32(b)(2)², which implements the 1971 Montreal Sabotage Convention).

²Annex B, Exhibit 2

U.S. Renewal of Cooperation

After several months of discussion with host governments and between agencies in Washington, both the U.S. Congress and President Clinton restored the sharing of information, due to the critical role that the program played in undermining the drug trafficking trade in Peru. Congress passed section 1012 of the National Defense Authorization Act for FY 1995 (Public Law 103-337)³ which provided immunity for host nation employees

and agents interdicting aircraft and for U.S. employees and agents assisting foreign nations in the interdiction of aircraft when there is "reasonable suspicion" that the aircraft is primarily engaged in illicit drug trafficking. The section 1012 required that:

1. the aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking; and
2. the President of the United States has determined that (a) interdiction is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that foreign country, and (b) the country has appropriate procedures in place to protect against, innocent loss of life in the air or on the ground in connection with interdiction, which shall at a minimum include effective means to identify and warn an aircraft before the use of force directed against the aircraft.

³Annex B, Exhibit 3

On December 8, 1994, President Clinton issued Presidential Determination 95-94, in which he determined that Peru met the requirements of 22 USC Section 2291-4. Specifically, it considered that:

The GOP has established rigorous procedures to ensure adequate protection against the loss of innocent life. The procedure for identifying and communicating with intercepted aircraft are based on ICAO guidelines, and are contained in classified GOP plans and orders, as well as in Civil Aviation law 24882.

⁴Annex B, Exhibit 4

Peruvian Law 824, dated April 24, 1996, specifically authorized FAP authorities to conduct counternarcotics-related intercepts⁵. Law 824 reads in part under Article VII:

The Peruvian Air Force, in accordance with its normal mission, is authorized to intercept domestic and foreign aircraft flying over Peruvian airspace, in the coca zones, in order to establish the aircraft identification, point of origin, and final destination. If the intercepted aircraft refuses to provide the requested information or obey the instructions of FAP authorities, it is possible that appropriate interdiction measures can be considered, including shootdown.

⁵Annex B, Exhibit 5

Clear rules on engagement, which included measures designed to protect against the loss of innocent life, were established by the GOP in 1994, and were determined by the United States to be consistent with the requirements of U.S. law permitting assistance to foreign governments in aerial interdiction⁶. After a collision between a U.S. tracking aircraft and a FAP intercept aircraft in February 1999, operational procedures and training became more focused on safety of flight, and references to the full range of engagement rules, contained in the 1994 procedures, became less detailed and explicit in implementing documents agreed to by representatives of both governments. U.S. and Peruvian personnel were trained jointly following these mutually defined and agreed upon procedures.

⁶Annex B, Exhibit 4

Aerial Intercept Procedures

Based on a review of operating procedures, training slides, witness interviews, and site visits the investigating team established what were the existing aerial intercept procedures. In general terms, an interception begins with information. Information on a flight can come from a variety of sources including DOD, DEA, the Peruvian military and elsewhere. In some cases, U.S. aircraft detect suspect flights while on patrol. The U.S. aircraft crew's mission in the intercept process is detecting and tracking suspect aircraft and guiding the FAP interceptor to the suspect aircraft. Once the FAP intercepts the target aircraft, the mission is under the control of a FAP officer host country rider (HCR) on board the U.S. tracking aircraft. The HCR, in turn, is under the direct command and control of a FAP commander on the ground. The HCR serves as the relay between the Peruvian command center and the Peruvian interceptor aircraft. The U.S. aircraft crew is not in the chain of command, and has no role in decisions regarding how intercepts are completed.

Mutually agreed upon procedures are followed when interdicting suspect aircraft. First, U.S. detection and

monitoring systems locate and track any aircraft passing through the specially designated, and publicly announced Air Defense Identification Zone (ADIZ). Next, the FAP will attempt to identify an aircraft as a legitimate flight. Initially this will involve determining whether the aircraft is on a previously filed flight plan. When control centers (ground and/or air radars) become aware of an overflight of any aircraft, they will attempt to identify it through coordination with other control centers and airport towers and correlation of flight plans and other sources of information. If the aircraft cannot be "sorted" it is considered a suspect aircraft. Second, following the detection of an unidentified aircraft and a failed "sort" to locate relevant flight plans, the FAP initiated an interception. According to the most recently established procedures this follows three phases. Phase I, focuses upon attempting radio contact; Phase II focuses upon signaling the suspect aircraft by firing warning shots; and Phase III, the FAP interceptor is authorized use of deadly force to disable the suspect aircraft and force it down. Authorization for the use of deadly force on civilian aircraft requires the approval of the Commander, FAP VI/RAT, a general officer; or, in his absence, his executive officer, a colonel.

For the purposes of this investigation, both U.S. and Peruvian officials conducted an anecdotal sampling of Peruvian civilian pilots and small commercial airlines to assess individual experiences with being tracked or intercepted by the FAP in recent years. While the vast majority of aircraft scrutinized are never aware that the FAP has made an identity and flight plan check (largely true for the small commercial airlines), a small number of non-trafficking intercepts reach the radio communication interrogative stage. In the thirteen incidents experienced by five individuals, either the civilian pilot initiated the communication to the FAP, upon noticing that he was being tailed by a tracking aircraft; or he was hailed by the tracking aircraft or military ground control. Subsequent to the radio interrogation, the civilian aircraft would be either allowed to go on its way after questioning, or asked to land for inspection. In only one case did FAP fighter interceptors approach a civilian pilot, and after radio and visual communication, the pilot was cleared to continue his route.

INCIDENT SEQUENCE

According to his statement, James Bowers and his wife Veronica Bowers, of the Association of Baptists for World Evangelism (ABEM), headquartered in Peru, had been carrying out their religious missionary work in the Peruvian Amazon region for several years. Their mission included bringing education and assistance to people living along the banks of the Amazon River, operating from a houseboat that traveled southward along the river from Iquitos. The Bowers family had recently adopted a little girl named Charity, in the United States, which meant that they needed a residence visa from the Peruvian Government, per Peruvian immigration requirements, in order for her to remain in Peru. That is why they arranged with Kevin Donaldson to take them to the city of Leticia, Colombia, site of the Peruvian consulate nearest to Iquitos. According to his statement, Mr. Donaldson, also a member of the Association of Baptists, as part of his missionary work, served as pilot of a Cessna float plane, registration number OB-1408, owned by the Association. The plane's communications center was in the Donaldson family home, where his wife operated the High Frequency (HF) radio equipment.

On April 18, 2001, Kevin Donaldson communicated by telephone with the civilian control tower at Iquitos to advise them of his intention to make a round trip flight to Islandia, beginning the next day. Islandia is the Peruvian town closest to the tripartite border (Peru, Brazil, and Colombia). Donaldson recorded this information on his computer for his personal records.

On April 19, 2001, Mr. Donaldson, as the pilot of the floatplane (registration number OB-1408), took off from the Amazon River at Iquitos and headed for the Peruvian town of Islandia. With him as passengers were James Bowers, his wife Veronica, and their young children Cory and Charity. They were going to the Colombian town of Leticia in order to complete the consular paperwork mentioned above. Mr. Donaldson filed his flight plan from Iquitos to Islandia by radio with the Iquitos control tower immediately after taking off from the Amazon River. The control tower, in turn, notified the Leticia control tower of that flight plan by phone.

Mr. Donaldson landed the OB-1408 on the water at Islandia that same day (April 19) and reported his arrival to the Leticia Air Traffic Control Center. This closed out his April 19 flight plan. Then Donaldson took OB-1408 to the nearby town of Benjamin Constant, in Brazilian territory, where the ABEM had facilities to guard and service its aircraft.

The Bowers family and Mr. Donaldson went into Leticia to arrange for the visa and then returned to Benjamin Constant, where they spent the night.

The U.S. Citation reconnaissance plane crew statements indicate that on April 20, 2001 the Citation took off from Iquitos at 9:00 a.m. to conduct a counternarcotics patrol mission in the Caballococha area because there had been intelligence reports of unidentified tracks during the preceding two weeks that indicated possible flights by aircraft involved in drug trafficking. Illegal flights often transit that zone near the Peru-Colombia-Brazil border.

During a patrol mission the day before, the Citation had detected a twin-engine floatplane in the same zone. They had tracked it and identified it as a plane from the Peruvian Air Force (FAP). As a matter of background, traffickers in the past have used floatplanes.

Based on a review of operating procedures, training slides, witness interviews, and site visits, the investigating team established that the crew of the Citation was composed of two pilots, a mechanic and a sensor operator, all U.S. citizens, and a FAP officer host country rider (HCR), a specialist in Air Defense. The HCR on board the Citation coordinates with the FAP Officer in Command at the Sixth Territorial Air Region Command (VI/RAT) Command Post, located in the jungle town of Pucallpa, while the U.S. personnel aboard the Citation coordinate directly with the U.S. Coordinating Officer located at the same Command Post.

The VI/RAT was in the process of moving from Juanjuí to Pucallpa for strategic reasons related to the counternarcotics mission. On the day of the incident, the Commanding General of VI/RAT was in Lima on business and the Executive Officer, along with VI/RAT General Staff Personnel, had not yet moved from Juanjuí to Pucallpa. The VI/RAT Commanding General and the Executive Officer are the only two officers authorized to approve the use of deadly force against an intercepted aircraft.

According to their statements, at approximately 9:39 a.m. on April 20, Mr. Donaldson and the Bowers family in OB-1408 took off from the vicinity of the Peruvian town of Islandia without reporting to the Air Traffic Control Center (ATC) at Leticia. Consequently, according to the statements of officials of the Peruvian Civil Aviation Corporation, no flight plan was activated. The plane maintained a general westerly course and followed the Amazon River for reasons of safety. Mr. Donaldson told the investigation committee that since it was a single-engine float plane, it was important to remain within glide distance, or no further than eight nautical miles from rivers, to permit an emergency water landing.

Mr. Donaldson stated that OB-1408 had two radios, one VHF and one HF, which could only be used one at a time. From the time of takeoff until he observed the intercepting A-37 aircraft, he kept his HF radio equipment turned on and did not monitor any VHF radio frequency.

At approximately 9:40 a.m., the radar on board the Citation detected OB-1408 on the Peru-Brazil border, heading toward Peruvian air space. At that time it was considered to be an **aircraft of interest**, and the Citation proceeded to approach and position itself 1.5 miles behind it so that it could maintain contact with the aircraft while attempts to identify it were made.

Not long thereafter, at 9:57 a.m., Citation Pilot No.1 decided that to avoid being detected and causing the plane to possibly escape toward the border, he would not approach it to observe the registration number of the floatplane. He decided to continue to follow it and observe its behavior. Meanwhile, the FAP Officer in Command at the VI/RAT Command Post (Pucallpa), consulted with the National Air Defense Information Center (CIDAN) in Lima, the Aircraft Control Center (CCA) of Air Group No. 42 that maintains liaison with the Iquitos control tower, the Santa Clara FAP Base at the Iquitos airport and, additionally, Air Group No. 3, in order to rule out its being a FAP helicopter, or any other legitimate flight. He then informed the HCR aboard the Citation that the detected aircraft did not have a flight plan. As there was no information regarding a flight plan, the aircraft became a **suspect aircraft**.

At approximately 10 a.m., during the identification process, personnel at the Santa Clara FAP Base, who regularly track aircraft in the zone, asked the Iquitos control tower for specific information about OB-1408, since they knew that the plane had spent the night in Islandia and wanted to be sure that it was not confused as a possible suspect target by the Citation. In response to this request, the Iquitos control tower reported to the Santa Clara FAP base that OB-1408 was in Islandia. (This conversation was not reported by Santa Clara to Pucallpa, since there was no active flight plan for OB-1408).

At 10:01 a.m. the HCR told Citation Pilot No.1 that he believed it necessary for an A-37 interceptor to be

launched, and Pilot No. 1 agreed. The HCR gave the FAP Officer in Command the coordinates of the target and requested that the A-37 take off from Iquitos. In response to this request, the FAP Officer in Command communicated with the Commanding General of VI/RAT, telling him of the situation and of the A-37 take off. The General's acknowledgement of the situation was communicated to the HCR on the Citation at 10:05 a.m.

Shortly thereafter, as part of the mission control procedures, Citation Pilot No.1 reported the coordinates, course, speed and altitude of the detected aircraft to the U.S. Joint Interagency Task Force, East (JIATF-E) station at Key West (Florida), which monitors these activities. He also reported the aircraft's coordinates to the U.S. Coordinating Officer at the VI/RAT Command Post (Pucallpa).

Simultaneously, in order to report the characteristics of the detected aircraft to the VI/RAT Command Post, the HCR asked Citation Pilot No.1 to describe it. The pilot described it in English as a high-wing aircraft, single-engine, with floats. Citation Pilot No.1 furnished this same information to the U.S. Coordinating Officer at Pucallpa. Later, when the HCR reported the coordinates, course, altitude, and speed of the detected aircraft to the FAP Officer in Command, he instead described it on the basis of the image displayed on the console on board the Citation as a twin-engine light plane, Twin Otter type, with capacity for water landings and white in color. He also reported that he had not seen the registration number. (This mention of the number of engines on the detected aircraft was not corrected by other members of the Citation's crew, as they either did not understand the message, or were occupied with other flight duties.)

Citation Pilot No.1 reported to the U.S. Coordinating Officer at the VI/RAT command post that the detected aircraft "detoured two to three miles toward Brazilian territory for approximately 10 minutes before re-entering Peruvian airspace."

At 10:08 am, the U.S. Coordinating Officer, in spite of working side-by-side, or in an adjacent office with the Peruvian Colonel at the VI/RAT, asked Citation Pilot No. 1 if he knew if that Colonel had communicated with the Commanding Officer of VI/RAT. The Citation Pilot No. 1 said he did not have that information. Citation Pilot No. 1 told the U.S. Coordinating Officer that he could not approach to observe the registration number of the detected aircraft, because if that aircraft were to be warned of his presence, it could turn toward the border and escape.

At 10:10 a.m., based on the earlier HCR request, and notification to the commanding officer of VI/RAT, the interceptor A-37 aircraft took off from the Iquitos airport. Six minutes later it made radio contact with the HCR.

At 10:13 a.m., Citation Pilot No.1 told the co-pilot, on an internal channel, that Phases 1 and 2 would be done, unless the detected aircraft took evasive action. Pilot No. 1 also told the radar operator on the Citation that he would stay behind the detected aircraft, adding that it could be a legal flight but that he did not understand why it had been in Brazilian airspace.

Later, Citation Pilot No.1 suggested in English to the HCR that after conducting Phase 1, they should follow the detected aircraft to see whether it is possible to get him to land in Iquitos and check, before firing any weapons. (The HCR did not understand this message.)

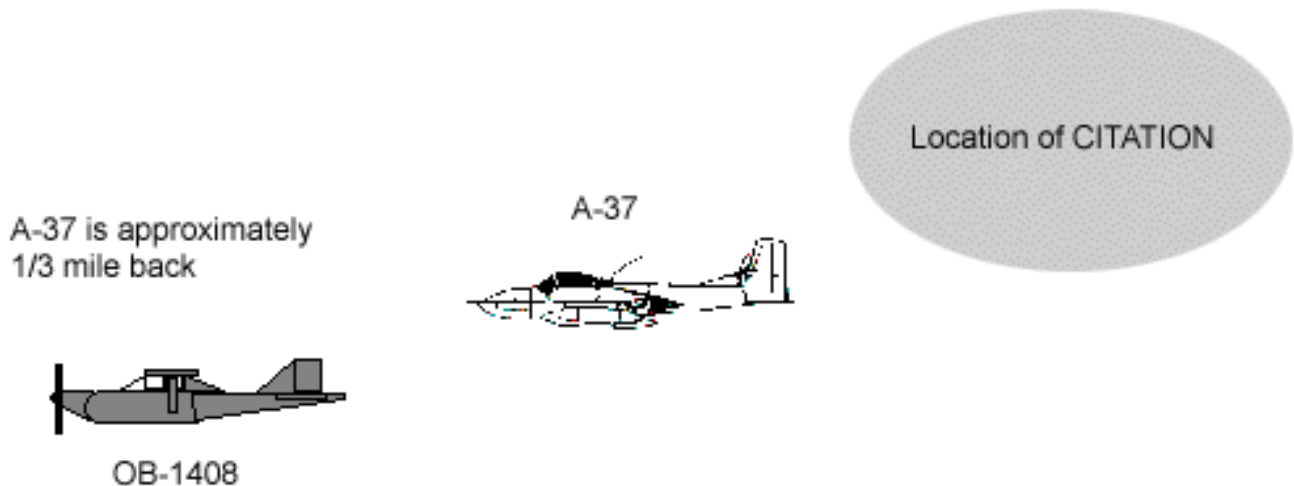
At 10:17 a.m., Citation Pilot No.1 told the co-pilot, on the internal channel, that the detected aircraft did not fit the profile of a narco-trafficking aircraft because it was flying too high. Also, at 10:19, he said that he would leave it up to the A-37 to identify the detected aircraft.

None of these comments in English was addressed to the HCR, who was continuing to concentrate on his specific on-board duties, in addition to the language limitations already mentioned.

During this time, as part of mission control procedures, Citation Pilot No.1 again reported the coordinates, course, speed, and altitude of the detected aircraft to the U.S. JIATF-E station at Key West (Florida).

Later, at 10:24 a.m., Citation Pilot No.1 asked the HCR, in English, to request information from the VI/RAT Command Post about the detected aircraft since it seemed to be headed for Iquitos. The answer from the HCR was that the VI/RAT command post had reiterated that the detected aircraft did not have a flight plan. This was confirmed shortly thereafter when the FAP Officer in Command told the HCR that he was crosschecking information and that the reports agreed that the detected aircraft did not have a flight plan.

At 10:30 a.m. the pilot of the A-37 announced that he had the Citation in sight, and was proceeding to rendezvous with it. Then the A-37 saw the detected aircraft and positioned itself to allow Phase I to be performed. This position is shown in Figure 1, below.



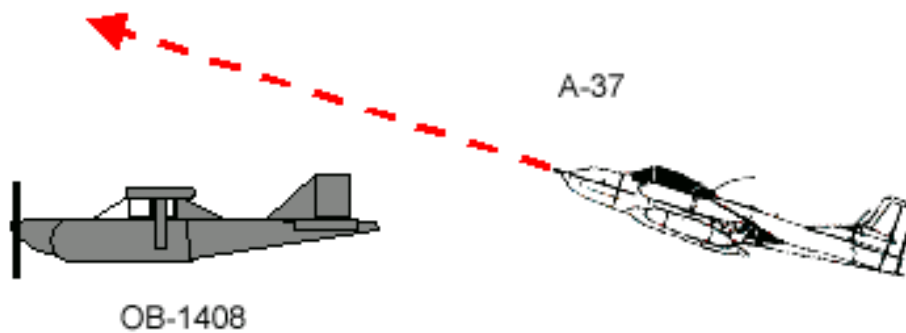
**Figure 1: Position of the aircraft in Phase 1
(Not to Scale)**

At 10:36 a.m., Phase 1 was conducted. During it, the HCR first called the intercepted aircraft by VHF radio, on the Iquitos control tower frequency 124.1 MHz, then on the standard emergency frequency 121.5 MHz, and finally, on the designated enroute frequency 126.9 MHz, to request it to comply with aircraft interception procedures. He received no response from OB-1408. At the time, the VHF radio equipment in the intercepted aircraft was turned off and the pilot was monitoring only the HF radio equipment. Also while Phase 1 was in progress, the A-37 co-pilot reported that the intercepted aircraft was heading toward a rain front. He also reported on three occasions that the detected aircraft was reducing its speed⁷.

⁷While these latter points convey the A-37 pilots' view that the intercepted aircraft was taking evasive action, in fact, as Donaldson pointed out, he was flying deeper and deeper into Peru, deviating only to follow the course of the river for float plane safety.

Later, the A-37 co-pilot mentioned on a UHF radio frequency the registration number of the intercepted aircraft, saying, "It's OB-1408." The crew of the Citation did not hear this message because they were engaged in other communications on board at the same time, both internal and external. In one of those communications, Citation Pilot No.1 commented that the A-37 was making large "S" shaped turns in order to maintain its position with respect to the intercepted aircraft. On a UHF radio frequency, the HCR was telling the FAP Officer in Command that Phase 1 had been completed and that he was going to proceed to Phase 2, after which he authorized the pilot of the A-37 to proceed to Phase 2.

At 10:39 a.m., the A-37 co-pilot again reported that the intercepted aircraft was going to enter a rain front situated further ahead. With authorization from the FAP Coordinating Officer, the A-37 proceeded to Phase 2. During Phase 2, he fired warning shots from the right rear and parallel to the direction of the intercepted aircraft. The A-37 pilot fired at least two bursts of tracer ammunition and reported over a UHF radio frequency that the aircraft had not reacted at all to the warning shots. This was because the low speed of Mr. Donaldson's aircraft (115 knots) relative to the A-37's higher minimum controlled flight speed (stall speed) of 130 knots, forced the A-37 to maneuver constantly in a nose-up attitude. This meant that the shots followed an upward trajectory, as shown in Figure 2.



**Figure 2: Warning shots
(Not to Scale)**

Not having noticed the warning shots, OB-1408 maintained a steady flight path. Citation Pilot No.1 said in English, to the HCR, that the intercepted aircraft did not fit the profile of a narco-trafficking aircraft. He did not get a response from the HCR, who apparently did not understand the message because of language limitations.

At 10:40 a.m., the HCR reported the coordinates of the intercepted aircraft to the FAP Officer in Command and asked for authorization to conduct Phase 3. The FAP Officer in Command called the VI/RAT Commanding General in Lima to inform him of the situation and request authorization to proceed with Phase 3. The Commanding Officer of VI/RAT gave this authorization and ordered that he be kept informed.

Simultaneously, the A-37 co-pilot reported that the intercepted aircraft had changed course. However, Citation Pilot No.1 told the U.S. Coordinating Officer that the intercepted aircraft was at 4,500 feet and had taken no evasive action, and furthermore recommended that they follow the intercepted aircraft but not conduct Phase 3 at that time. From the witness interviews, it is unclear if this recommendation was ever transmitted to the FAP Officer in Command. Also, the U.S. Coordinating Officer twice asked Citation Pilot No.1 whether they had made radio contact with the intercepted aircraft, to which Pilot No. 1 responded in the negative⁸.

⁸The Investigation Committee received different statements from the two coordinating officers, regarding whether the message of concern was ever passed. A third participant, the U.S. radio operator, who was referenced as an interpreter by one coordinating officer, does not recall the discussion. Therefore, no judgment can be made as to the actual event.

In this particular case, the reports transmitted to the U.S. Coordinating Officer and the FAP Officer in Command, in parallel, by the Citation were not fully compared with each other during the course of the mission, owing to language limitations between the American and Peruvians and because, in general, the personnel at the VI/RAT Command Post were concentrating on their own specific duties. In addition, the FAP Officer in Command, on several occasions during the mission, left one room and went to another in order to coordinate with the Commanding Officer of VI/RAT by telephone.

After flying for almost an hour within Peru, Mr. Donaldson's heading, northwest along a 40 mile north-south course of the Amazon, still indicated a possible course toward the border with Colombia.

At 10:41 a.m., the FAP Officer in Command notified the HCR of the VI/RAT Commanding General's authorization to proceed to Phase 3. The HCR asked the FAP Officer in Command twice to confirm that authorization, which was done by the FAP Officer in Command. Simultaneously, the A-37 co-pilot had again reported that the intercepted aircraft was going to enter a rain front.

At about the same time, Citation Pilot No.1 told the HCR in English that the intercepted aircraft was not taking evasive action or trying to escape, to which the HCR asked in English: "What?" when he did not understand this message.

From then on, attempts by both the U.S. crew of the Citation and the HCR to understand what each was trying to say about the intercepted aircraft were not understood because of the stressful situation and language problems prevailing on board.

For example, Citation Pilot No.1 asked the HCR in English whether the A-37 could cross in front of the intercepted aircraft and see who it was. He did not get an answer from the HCR, who was at that time calling the FAP Officer in Command. At 10:42, Citation Pilot No.1 kept asking the HCR in English whether the A-37 could identify the registration number of the intercepted aircraft. This reflects that neither the crew of the Citation, nor the HCR, heard the aircraft's registration number as furnished by the A-37 co-pilot minutes earlier.

Not understanding the message of Citation Pilot No. 1, the HCR ordered the A-37 co-pilot to attempt to communicate with the intercepted aircraft on the enroute frequency 126.9. The A-37 co-pilot then called the intercepted aircraft three times on that frequency, using its registration number (OB-1408), thereby briefly returning the intercept process to Phase 1.

After these calls, the A-37 co-pilot, using the aircraft registration number, reported on a UHF frequency that OB-1408 was not answering. (Based on the investigation committee interviews, it appears that it was only at that moment that the crew of the Citation learned the registration number of the intercepted aircraft.) Immediately the HCR informed the FAP Officer in Command of the registration number of the intercepted aircraft, but he again requested authorization to perform Phase 3. However, according to more than one statement obtained, the registration number was not heard at the VI/RAT Command Post, nor by the U.S. or FAP Officer in Commands.

Citation Pilot No.1 then asked the HCR, in English, whether he was sure that the intercepted aircraft was a "Bandit," to which the HCR responded affirmatively. The A-37 co-pilot reported to the HCR, over a UHF frequency, that the pilot of the intercepted aircraft had seen him and was not reacting. Mr. Bowers told the investigation committee that he first observed the A-37 at approximately this point in time, as it made its "S" swings from side to side and to the rear of OB-1408. He said that he told Mr. Donaldson about the aircraft, and woke his son, Cory, to show him the A-37.

A few seconds after Mr. Bower's comment, Mr. Donaldson called the Iquitos control tower on two occasions, on the VHF 124.1 frequency, without getting a response. The Iquitos control tower did not receive those calls because the OB-1408 was too far away (approximately 90 miles). Although the Citation was monitoring the Iquitos control tower frequency throughout the flight, the pilots of the Citation did not hear those transmissions either, since other communications were occurring on board at the same time. Because of the nature of the mission, the FAP Coordinating Officer was monitoring only the UHF frequency used for liaison with the A-37 and the SATCOM satellite channel used for liaison with the FAP Officer in Command.

According to Mr. Donaldson, the calls to the Iquitos control tower occurred immediately after the first visual contact with the A-37 aircraft, and represented the first time during the trip that he was monitoring his VHF radio equipment. During the initial transmissions by the pilot of OB-1408, the A-37 co-pilot reported on two occasions that the intercepted aircraft was reducing its speed.

At 10:46:18 a.m., Citation Pilot No. 1 said that the intercepted aircraft was turning north and that it probably was an illegal flight.

During his navigation along the course of the river, the pilot of OB-1408 did not maintain a constant compass heading and these changes in course, his perceived changes in speed, as well as his apparent travel toward a rain front, were interpreted by the participating crew members as evasive maneuvers.

At 10:46:30 a.m., the pilot of OB-1408 called the Iquitos control tower for the third time, but again, the pilots of the Citation did not hear this transmission, since they were simultaneously engaging in other on-board communications, both internal and external.

Seconds later, the Iquitos control tower responded to OB-1408, and this time the message was heard by Citation Pilot No.1, who told Pilot No. 2 that the intercepted aircraft was talking to the Iquitos control tower. The pilot of OB-1408 reported to the Iquitos control tower that he was at Pebas (northeast of Iquitos), proceeding from Islandia, at 4,000 feet, and mentioned the presence of military [aircraft], saying he did not know what they wanted. It was only then, at 10:46:41 a.m., that the pilot of OB-1408 furnished his flight plan for April 20 to Iquitos tower.

From this point on, a series of simultaneous messages occurred that caused communications to become even

more congested. The Iquitos control tower asked OB-1408, by VHF radio, for his estimated time of arrival (ETA) at Iquitos and OB-1408 responded that he estimated he would arrive there in 40 minutes. At the same time, the HCR was holding a conversation with the A-37 co-pilot on a UHF radio frequency. The Iquitos control tower asked OB-1408 whether he was on the water or in the air, to which the pilot answered that he was at 4,000 feet altitude, after which the control tower gave him instructions for the approach. The Iquitos tower did not respond to OB-1408's comment regarding the presence of the military.

Simultaneously, the A-37 co-pilot was sending a message to the HCR over a UHF radio frequency, and Citation Pilot No.1 said in English to the HCR over an internal channel: "he is talking to him," to which the HCR replied "wait a minute." The HCR because of communications congestion did not understand this message.

At 10:47:30 a.m., Citation Pilot No.1 again told the HCR, in English, over the internal channel: "...he is talking to Oscar Bravo", and did not get a response from the HCR.

At approximately this point in time, Mr. Bowers told the investigation committee that he had looked back to see puffs of smoke coming from the A-37's nose, and had reported this to Mr. Donaldson⁹.

Seconds afterward, at 10:47:40 a.m., according to post-incident interviews, and a faint background dialogue on the videotape, the Iquitos control tower began a radio conversation with the Santa Clara FAP Base. Citation Pilot No.1 told Pilot No. 2 that he thought the intercepted aircraft was headed for the Santa Clara FAP Base. Having understood the mission had ended, Pilot No. 2 suggested that the Citation also return to that base, and Pilot No. 1 agreed. Citation Pilot No. 1 asked the HCR whether the intercepted aircraft was heading to the Santa Clara FAP Base, to which the HCR asked, in Spanish: "What?" as he did not understand the message. Immediately thereafter, the pilot of OB-1408 frantically reported to the Iquitos control tower that he was being attacked. He did not get an answer, because he had begun an emergency descent looking for a water landing site¹⁰.

⁹The A-37 pilots made a first firing pass at OB-1408, which missed the aircraft.

¹⁰Mr. Bowers told the investigation committee that it was less than ten seconds between when he first saw the smoke from the nose of the A-37 firing and missing, and when the bullets began hitting OB-1408 during the next A-37 firing pass.

At 10:48:10 a.m., the pilots of the Citation told the HCR, in urgent English and Spanish, to cease firing and the HCR ordered the pilot of the interceptor aircraft A-37 to stop the attack. The co-pilot of the interceptor aircraft A-37 reported to the HCR that he had called off the attack because flames were coming from the intercepted aircraft. Minutes later, the OB-1408 landed on the water at coordinates 03° 28' 55" South, 072° 06' 70" West.

In Phase 3, the A-37 had fired two salvos of approximately three seconds each. The 7.62- caliber mini-gun installed in the A-37 is not a precision weapon, since the ammunition disperses in a circular pattern. The low speed of the OB-1408 forced the A-37 to maneuver constantly, which prevented it from aiming precisely at non-vital areas of the intercepted aircraft, as was observed later in the visual inspection done in the city of Iquitos by the Investigation Commission.

CONCLUSIONS

1. By the late 1990s, references to the full range of procedures, contained in the 1994 agreement on procedures, became less detailed and explicit in implementing documents agreed to by representatives of both governments.
2. At the same time, joint training utilized an abbreviated set of procedures, with the assumption that the target had been identified as a narcotics trafficking aircraft prior to the arrival of the interceptors. Joint training was also very much focused on safety of flight, following a collision between surveillance and interceptor aircraft in February 1999.
3. Key participants involved in the April 20, 2001 incident narrowly viewed their respective command and control roles and did not individually consider their actions from a broader, overall perspective.
4. Despite its steady altitude and general flight path deeper into Peru, the characteristics of the flight of Peruvian civil aircraft OB-1408 on April 20, 2001 generated suspicion within the Peru-U.S. counternarcotics aircraft interdiction system that it was a narcotics trafficking aircraft.

5. The language limitations of Peruvian and American participants – particularly under stress - played a role in reducing the timely flow of information, and comprehension of decisive messages related to the April 20 interception of OB-1408.
6. Communications systems overload, and cumbersome procedures played a role in reducing timely and accurate compliance with all applicable directives by participants in the air and on the ground.

ABBREVIATIONS LIST

Abbreviation	Translation
ABDP	Airbridge Denial Program
ABWE	Association of Baptists for World Evangelism
ADIZ	Air Defense Identification Zone
ATC	Air Traffic Control
CCA	Aircraft Control Center
CIDAN	National Air Defense Information center
CORPAC	Civil Aviation Corporation
FAP	Peruvian Air Force
GOP	Government of Peru
HCR or HNR	Host Country Rider or Host Nation Rider
ICAO	International Civil Aviation Organization
INL	International Narcotics and Law Enforcement Affairs
JIATF-E	U.S. Joint Interagency Task Force, East
OIC	Officer-In-Charge
PE-9	Papa Echo Nine
SAR	Search and Rescue
TPB	Tailpipe Bravo
VI/RAT	FAP Sixth Territorial Air Region

[End]