

Annual Report of Interdiction of Aircraft Engaged in Illicit Drug Trafficking

Colombia was the only country for which a Presidential Determination under 22 USC § 2291-4 was in effect during calendar year 2019. The President signed Presidential Determination 2019-14 for Colombia on July 19, 2019, certifying: A) interdiction of aircraft reasonably suspected to be primarily engaged in illicit drug trafficking in that country's airspace was necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that country, and B) that country had appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with such interdiction, which included effective means to identify and warn an aircraft before the use of force was directed against the aircraft.

Consistent with 22 USC § 2291-4(c), this report contains the following information for Colombia (from January 1 through November 30, 2019): A) the nature of the illicit drug trafficking threat to the country; B) an explanation of safety procedures in place to protect against the innocent loss of life in the air and on the ground in connection with interdiction, including any training and other mechanisms in place to ensure adherence to such procedures; C) a description of assistance provided by the United States to the interdiction program; and D) a summary of the country's aircraft interdiction activity for which the United States provided assistance in calendar year 2019.

Colombia

A. On August 21, 2003, the Air Bridge Denial (ABD) program in Colombia began operations. In making a 17th consecutive certification for Colombia on July 19, 2019, the President determined, inter alia, narcotics trafficking continues to pose an extraordinary threat to Colombia's national security that renders air interdiction necessary. Despite the slight decrease in Colombian coca cultivation and cocaine production in 2018, drug trafficking continues to pose a significant threat to Colombia. Coca cultivation and pure potential cocaine production remains at near record levels following an unprecedented surge from 2013 to 2017. Colombia is the world's largest producer of cocaine, largest cultivator of coca, and a supplier of cocaine and heroin to the U.S. market. More than 90 percent of the cocaine seized in the United States is of Colombian origin. The drug trade continues to severely undermine the country's security and ability to implement the peace agreement by providing Revolutionary Armed Forces of Colombia (FARC) dissidents with a major source of income. The United States and Europe remain the primary markets for Colombian cocaine. Moreover, Colombian drug trafficking organizations use the significant profits from their lucrative illicit drug trade to suborn Colombian officials and pay armed criminal groups to protect their organizations. The illegal revenue generated by the Colombian drug trade also disrupts the licit Colombian economy, presents a long-term corrosive threat to democratic government institutions and law enforcement by promoting a culture of violence. Armed criminal groups continue to represent a significant and growing challenge to law enforcement and security by absorbing weaker and smaller competitors, consolidating control over coca-growing regions, and filling power vacuums left by demobilized FARC guerillas. Illegal revenue generated by drug-trafficking activities continues to serve as a primary funding source for criminal organizations, FARC dissidents, and the Colombian National Liberation Army (ELN). The FARC and the ELN remain designated as Foreign Terrorist Organizations by the Department of State.

B. The Colombia ABD program's safety procedures are defined by a bilateral letter of agreement between Colombia and the United States, signed December 30, 2009 (the "Agreement"). An annex to the Agreement clarifying the terms and conditions under which U.S. assistance, including radar and other information, may be shared with third parties was concluded August 25, 2012. A list of cleared third-party states was last provided in writing to the Colombian Air Force (CAF) on March 24, 2015. The list is provided informally during the biannual review process. In calendar year 2019, the basic procedures for aerial interception of an unknown assumed suspect (UAS) flight are detailed in Annex I, which is attached to this report. The United States also provided training for Colombian personnel participating in the ABD program.

C. In 2019, the United States dedicated a number of personnel positions to Colombia's ABD program, including a U.S. Department of Defense (DoD) Joint Interagency Task Force-South (JIATF-S) tactical commander and a JIATF-S command duty officer.

The JIATF-S tactical commander exercised command and control of U.S. ABD assets through the JIATF-S Joint Operations Center (JOC). The JIATF-S command duty officer was the tactical commander's senior watch officer at the JOC. DoD, through the Air Force section of the military group at Embassy Bogota, has day-to-day oversight of this program.

During 2019, the United States provided radar information to the Colombian government. As noted in paragraph B above, the United States also provided training for Colombian personnel participating in the ABD program.

U.S. assets (both aircraft and personnel) from DoD and U.S. Department of Homeland Security (DHS) also have provided support for this program under the conditions contained in the Agreement.

D. From January 1 until November 30, 2019, Colombia, with the assistance of the United States, responded to 107 unknown assumed suspect (UAS) air tracks throughout Colombia and the central/western Caribbean, of which seven UAS tracks were within Colombian airspace. The Colombian government responded to and visually identified 48 of the UAS air tracks. While conducting law enforcement inspections at various airfields within Colombia as part of the Colombia ABD program, the Colombian government supported the grounding of 59 aircraft.

This was the fourteenth year that ABD assets were used in maritime patrol missions off the coasts of Colombia. CAF aircraft flew a total of 65 maritime patrol sorties (172 flight hours) resulting in the seizure of 20.1 metric tons of cocaine.

During 2019, the United States continued to review the implementation of Annex C with Colombia. Annex C was integrated into the ABD agreement on August 25, 2012, and governs the Colombian government's ability to share U.S.-derived information with third states.

Annex I – Colombia
Basic Procedures for the Interception of an
Unknown Assumed Suspect Flight

Detection, Sorting, and Identification

When the Colombian government detects or is informed of an aircraft operating in a defined zone of control that is a candidate for possible air bridge denial (ABD) action (a “track of interest”), information on that aircraft shall be gathered by the Colombian government 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 (a “suspect” aircraft). That determination shall be made by the battle commander officer in the Colombian Air Force (CAF) Command and Control Center, based upon certain factors set out in the bilateral letter of agreement between the U.S. and Colombia on ABD, in conjunction with other information provided to the Colombian and U.S. participants in the ongoing action. If any Colombian or U.S. government participant in the ABD program has reason to believe that persons not willfully engaged in illicit drug trafficking are on board an aircraft, that aircraft shall not be considered to have a primary purpose of illicit drug trafficking.

Monitoring

If Colombia reasonably suspects that an aircraft is primarily engaged in illicit drug trafficking, that aircraft shall be tracked and monitored. If tracking is intermittent, positive re-identification shall be made with reasonable certainty before the ABD event may continue. If the Colombian government has been unable to identify the track of interest as a legitimate track, the aircraft shall be considered suspect by the 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 factors continue to support a determination that the aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking (on the basis of the previously mentioned factors), the CAF may order the intercepted aircraft to land at the nearest suitable airfield. If all of the procedures required under the agreement have been followed, the information gathered continues to indicate an aircraft is suspect, and the aircraft fails to respond to the interceptor’s order to land, 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. After attempting to warn the intercepted aircraft using radio communications, the intercepting aircraft will fire the warning shots from abeam of the

intercepted aircraft, in a position that will permit the intercepted aircraft to see the warning shots but will avoid damage to the aircraft. If all of the procedures required under the agreement have been followed, the information gathered continues to indicate an aircraft is suspect, and the aircraft fails to respond to the interceptor's order to land, the Colombian government 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 it 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 a request to move to Phase III after verifying all procedures required under the agreement have been followed. Upon receipt of the authorization, the interceptor aircraft shall warn the intercepted aircraft it will be fired upon if it refuses to comply, using International Civil Aviation Organization radio communications procedures, and using the appropriate frequencies.

The interceptor shall use the minimum necessary 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. Both the United States and Colombia acknowledge 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 CAF Command and Control Center of the location of the intercepted aircraft.

The safety procedures require similar identification and warning procedures when a suspected narco-trafficking aircraft has been located on the ground. Further, the United States and Colombia have agreed upon additional restraints 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.

In addition to the safety procedures described above, the agreement provides for safety oversight by two Colombian personnel (the ground safety monitor and an air safety monitor) as well as the United States (through the Joint Interagency Task Force – South (JIATF-S) command duty officer). Collectively, this group is referred to as the ABD "safety oversight triad" and is required to oversee all Phase I, II, and III actions.

In past years, the United States trained Colombia's pilots and sensor operators to operate the Citation aircraft involved in the program. Reviews of the program, held in April, July, and December 2019, helped to address any issues that arose in the program's implementation. Further, the United States received monthly reports on program events.