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A HISTORY OF THE AIR BRIDGE DENIAL PROGRAM IN PERU:

The evolution, errors, and fallout of a covert United States-Peruvian counternarcotics air interdiction program, culminating with the 2001 mistaken shutdown of a missionary plane over the Amazon jungle

Thesis to obtain the degree of Master of History

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SUMMARY

During the 1990s, the Governments of Peru and the United States established a counternarcotics air interdiction program called Air Bridge Denial over the Peruvian Amazon. During this program the United States Central Intelligence Agency conducted surveillance missions over Peru's coca growing regions, and passed suspicious aircraft location data to the Peruvian Air Force, who would then intercept the suspected narco-trafficking aircraft and force them to land or be shot down. The program was interrupted in 2001 following the accidental shootdown of a missionary floatplane over Peru, which resulted in the deaths of two United States citizens. This thesis examines the development, operations, and fallout of Air Bridge Denial in Peru, including its patterns of errors, complexities and challenges such as binational interoperability, bilingual communications failures, neglect of mandatory protocols, and poor oversight. In examining the detailed history of Air Bridge Denial, this thesis strives to present lessons learned for the development and implementation of any similar programs in the future.

Disclaimer: The views in this paper are strictly those of the author, and do not necessarily reflect the official views of the U.S. Government, the Department of Defense, or any of its agencies, nor the Olmsted Foundation. Moreover, all of the government sources used for this thesis are from open source and unclassified public archives, and from sources readily available to the public through open web searches and periodicals, including documents released under the U.S. Freedom of Information Act (FOIA). This is in fact an admitted limitation to the study, as there may be additional government information, included classified archives, from both the U.S. and Peru that might provide greater detail and insight. The author does not know this to be a fact or not. The publicly available information at hand may at least help fill gaps in the historical academic record surrounding the program, and open the door for continued study on the topic.

TABLE OF CONTENTS

WORDS OF APPRECIATION.....6

INTRODUCTION.....7

CHAPTER 1. Pre-1994: The history leading up to Air Bridge Denial.....10

 1.1. Brief historical overview of coca production in Peru.....10

 1.2. United States response to coca in Peru as part of War on Drugs.....13

 1.3. Peru Government counternarcotic measures under Fujimori.....16

 1.4. Cooperation interrupted: Peru attacks U.S. C-130.....20

CHAPTER 2. 1994: pause, re-evaluation, and formalization of Air Bridge Denial.....28

 2.1. United States legal concerns and measures.....28

 2.2. Establishing Air Bridge Denial standard operating procedures.....32

 2.3. Air Bridge Denial aircraft, crew, and formal chain of command.....35

CHAPTER 3. 1995-2001: Air Bridge Denial Program in Action.....48

 3.1. Overview and issues during the first fourteen shutdowns.....48

 3.2. The Critical Event – Missionary plane shot down on April 20, 200.....65

CHAPTER 4. Post-2001: The Fallout from Air Bridge Denial.....89

 4.1. Initial Press Reporting.....89

 4.2. Investigations and reports reveal a historical pattern of deviations.....94

CONCLUSION.....109

BIBLIOGRAPHY.....113

ABBREVIATIONS.....118

APPENDIX.....120

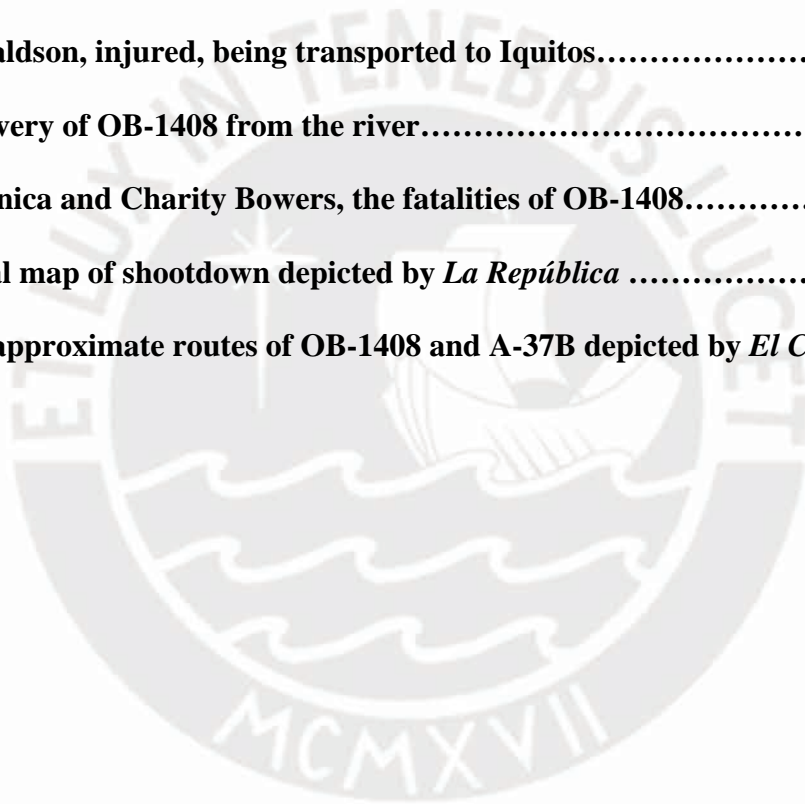
Presidential Determination 95-9.....120

Airbridge Denial Program <i>Memorandum of Justification</i>	124
CIA Office of the Inspector General Investigation (Table of Contents).....	128
U.S. Senate Select Committee on Intelligence Report (Introduction).....	132
U.S. Embassy Lima, <i>Your Proposed Visit to Peru</i>	135
U.S. Embassy Lima, <i>Suspension of Provision of Radar Track Data</i>	137
Bureau of International Narcotics Matters, <i>Talking Points</i>	141
Government of Peru <i>Decreto Ley No. 25426</i> (in Spanish).....	145
MTC Aircraft incident report of OB-1408 (in Spanish).....	148
FAP <i>Comunicado Oficial No 010-FAP-2001</i> (in Spanish).....	150

INDEX OF FIGURES

Figure 1. The Bowers family.....	10
Figure 2. U.S. C-130 at Talara Airport after attack.....	27
Figure 3. Cessna Citation aircraft.....	37
Figure 4. FAP A-37B Dragonfly.....	38
Figure 5. FAP EMB-312 Tucano.....	39
Figure 6. Citation pilot talking to HNR.....	70
Figure 7. Citation pilot expressing uncertainty about OB-1408.....	73
Figure 8. Citation pilot unsure about OB-1408.....	74
Figure 9. Citation pilot talking to HNR.....	74
Figure 10. Citation pilot talking to HNR about identifying OB-1408.....	75
Figure 11. Citation pilots commenting on OB-1408 flight profile.....	76
Figure 12. HNR asking Citation pilots about Phase III authorization.....	78

Figure 13. HNR expressing confidence about ON-1408's identity.....	79
Figure 14. Citation pilots expressing doubt about shutdown.....	81
Figure 15. A-37B making firing pass against OB-1408.....	81
Figure 16. Citation hears Donaldson communicating with the Iquitos Control Tower.....	82
Figure 17. Donaldson telling Iquitos Control Tower his plane has been hit.....	84
Figure 18. OB-1408 observed crash landing in the river.....	86
Figure 19. Local residents taking canoes out to OB-1408.....	86
Figure 20. Donaldson, injured, being transported to Iquitos.....	87
Figure 21. Recovery of OB-1408 from the river.....	88
Figure 22. Veronica and Charity Bowers, the fatalities of OB-1408.....	88
Figure 23. Initial map of shutdown depicted by <i>La República</i>	90
Figure 24. The approximate routes of OB-1408 and A-37B depicted by <i>El Comercio</i>.....	91



WORDS OF APPRECIATION

It is not enough to know one's own strengths, weaknesses, and general characteristics.

The solutions of difficulties that arise between nations require a knowledge and depth of understanding of the particular nations involved.

-General George Olmsted

First and foremost, I would like to thank the Olmsted Scholar Program, the Foundation Officers and Board members, and the United States Air Force for this incredible and generous opportunity to live, study, travel, and immerse in Peru and Latin America during these past two years. The culmination of this thesis is the result of my searching for new perspectives and a deeper understanding of complexities in our world, and follows General Olmsted's belief that effective leaders must be educated broadly.

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INTRODUCTION

During the 1980s and 1990s, the United States government instituted drug interdiction programs through Latin America in an effort to combat the flow of narcotics. These interdiction efforts were part of the United States broader “War on Drugs,” a term famously coined by President Richard Nixon in 1971, during which he called drug use a national emergency and “public enemy number one.”¹ These U.S. counternarcotics efforts escalated under Presidents Reagan and George H.W. Bush, becoming formalized with a focus on the production and transport of narcotics to the U.S. from Latin America. One such covert operation, the Air Bridge Denial Program (ABDP), was eventually established by the U.S. government in collaboration with the governments of Peru and Colombia with the intention of interrupting the air transport of coca paste by civilian aircraft flying primarily across remote territory and isolated borders. The program called for the utilization of U.S. intelligence, surveillance, and reconnaissance (ISR) capabilities to detect, analyze and pass aircraft track data to the Peruvian and Colombian Air Forces, who would then intercept and force down suspected civilian aircraft carrying narcotraffickers and coca paste. In now-declassified reporting, by 1997 the U.S. Central Intelligence Agency (CIA) had claimed the ABDP as a “major success that played a key role in the significant decline of coca cultivation in Peru and the linchpin of a successful strategy to disrupt the export of coca products.”² In Peru alone, the CIA reported that with its assistance between 1995-2001, the Peruvian Air Force (Fuerza Aerea del Peru or FAP) shot down 15

¹ “US government's 'war on drugs'”, *The Guardian*, July 22, 2011, <https://www.theguardian.com/theguardian/from-the-archive-blog/2011/jul/22/drugs-trade-richard-nixon>

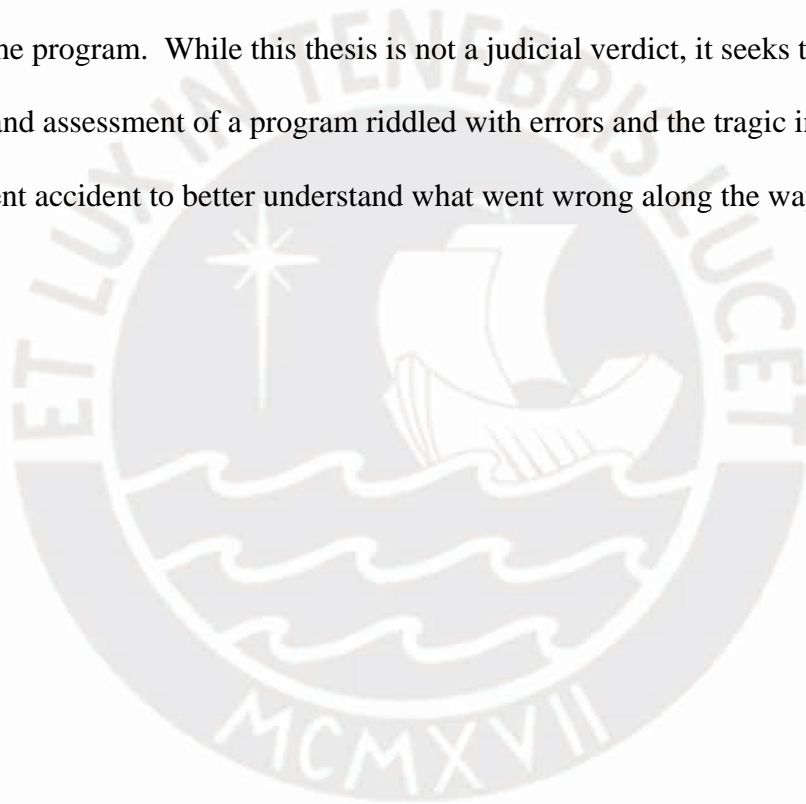
² U.S. Central Intelligence Agency, Office of Inspector General Investigations Staff, *Report of Investigation: Procedures used in Narcotics Airbridge Denial Program in Peru, 1995-2001* (August 25, 2008), 1, <https://www.cia.gov/library/readingroom/document/no-id-present-original-source>

suspected drug traffickers.³ However, in 2001 the program was abruptly cancelled in Peru following the shutdown of a small floatplane carrying five U.S. citizens—a missionary pilot Kevin Donaldson and missionary family of passengers, James (“Jim”) and Veronica (“Roni”) Bowers, and their two children, Cory, age six, and Charity, age seven months. The shutdown resulted in the deaths of Roni Bowers and her infant daughter Charity. The fallout of the accidental shutdown led to a string of subsequent government investigations and scrutiny of the program, which ultimately exposed a pattern of errors and faults in the program on the part of both the U.S. and Peruvian officials involved.

Utilizing now-declassified U.S. Government documents, correspondence and testimonies, including from the CIA, U.S. Department of State (DoS), Government General Accounting Office (GAO), and U.S. Congressional and Senate testimonies, along with Peruvian decrees, military correspondence, and U.S., Peruvian, and international press reporting, this thesis will fill a gap in the academic domain regarding the history of air interdiction in Peru by examining the evolution of the ABDP in Peru, the program’s systematic errors and problems that led to the accidental loss of civilian life in 2001, and the immediate fallout of the program that led to its halting. Through this study, the paper aims to present lessons learned from the historical context of the program in Peru; that is to say, lessons can be and should be learned regarding the importance of effective oversight in sensitive programs, military training, systems modernization and interoperability, effective communications protocols, including the importance of bilingual capabilities, and adherence to legal standards and operating procedures, particularly in the face of critical and time-sensitive life or death situations.

³ The Peruvian government has claimed the forcedown or shutdown of more than 38 aircraft through its air interdiction program – however, this thesis specifically examines the 15 shutdowns of the Air Bridge Denial Program during the period of 1995-2001, which involved the CIA working closely in coordination with the FAP (United States Senate, Select Committee on Intelligence (SSCI), *Review of United States Assistance to Peruvian Counter-Drug Air Interdiction Efforts and the Shutdown of a Civilian Aircraft on April 20, 2001* (October 2001), 10).

Even today, as the U.S. has resumed its ABDP with the Government of Colombia, the Government of Peru (GOP) is taking measures to reinstate a similar effort.⁴ However, the historical context and lessons learned from ABDP in Peru must be examined and considered before moving forward in developing policy. As a disclaimer, this thesis does not assign culpability by name to any of the crew members intimately involved, whether from Peru or the United States. The Governments of both the United States and Peru conducted joint and internal investigations, and subsequent judgments and punishments were given out to certain individuals associated with the program. While this thesis is not a judicial verdict, it seeks to be a whole-picture analysis and assessment of a program riddled with errors and the tragic inevitability of a fatal, and negligent accident to better understand what went wrong along the way.



⁴ *Agreement Between The Government Of The United States Of America And The Government Of The Republic Of Colombia Concerning The Program For The Suppression Of Illicit Aerial Traffic In Narcotic Drugs And Psychotropic Substances ("Air Bridge Denial Agreement")*, August 25, 2012, <https://2009-2017.state.gov/documents/organization/207579.pdf>



Figure 1: The Bowers family in Peru circa 2001. The mother, Veronica, and infant daughter, Charity, were killed in the 2001 shutdown of their small missionary floatplane piloted by Kevin Donaldson.⁵

CHAPTER 1. Pre-1994 the history leading to Air Bridge Denial

1.1. A brief history of coca culture and production in Peru

The mere mention of the coca plant, *Erythroxylon coca*, is controversial today for its use in the production of the drug cocaine. However, the use of the coca plant by human beings in what would come to be known as modern day South America dates back to as early as 8,000 years ago. The plant is the center of various indigenous religious myths and rituals going back millennia in the region. In fact, the coca plant was ascribed supernatural origins and functions by indigenous cultures in the Americas, and set in a sacred and ritualistic sphere within society. Additionally, early colonial Spanish chroniclers recount the high value placed on coca leaves by

⁵ Photo published in *El Comercio*, April 24, 2001.

the indigenous population, and coca's role in the Incan empire and Andean life as both a commodity and a currency.⁶ Now, scientific studies of coca's medicinal properties have found that its leaves contain a powerful alkaloid that acts as a stimulant with effects that include a raised heart rate, increased energy, and even the suppression of hunger and thirst.⁷ Even though coca plant cultivation itself has not historically been illegal in Peru (and many people are still offered coca tea or coca leaves to combat altitude sickness upon the arrival at the Cusco airport, for example), coca paste is the fundamental ingredient to cocaine production. This key relationship of coca cultivation to cocaine production ultimately brought Peru into the modern counternarcotics discussion and focus of the War on Drugs.

Throughout the beginnings of the so-called cocaine epidemic of the 1980s and into the early 1990s, Peru was the world's largest producer of the coca leaf. By 1992, for example, Peruvian coca leaf cultivation peaked at 129,100 hectares and accounted for approximately 61 percent of the world's coca production.⁸ Beginning in the 1980s, the coca leaf first went through a refinery process in Peru to turn it into coca paste, before being transported to Colombia for final processing as the drug cocaine and shipment to the world's markets, primarily northward to the U.S. During those years, the remote jungle region of the Upper Huallaga Valley along the

⁶ Tom D. Dillehay, et al. "Early Holocene coca chewing in northern Peru," *Antiquity* 84, Issue 326 (25 November 2010): 939-953, <https://www.cambridge.org/core/journals/antiquity/article/early-holocene-coca-chewing-in-northern-peru/6452FDEFF4B27959A376256AFCFAEECE>

⁷ Adriana Baulenas, "Coca: A Blessing and a Curse," *National Geographic History Magazine*, (November/December 2016): 1-3, <https://www.nationalgeographic.com/archaeology-and-history/magazine/2016/11-12/daily-life-coca-inca-andes-south-america/>

⁸ United States Senate, Select Committee on Intelligence (SSCI), *Review of United States Assistance to Peruvian Counter-Drug Air Interdiction Efforts and the Shootdown of a Civilian Aircraft on April 20, 2001* (October 2001), 2, <https://www.intelligence.senate.gov/sites/default/files/publications/10764.pdf>.

Huallaga River, which then flows into the Marañón and Amazon rivers, was the primary center of Peruvian coca cultivation.⁹

Due to the remoteness of these jungle cultivation areas, drug traffickers appeared to prefer the air transportation of coca product. In fact, owing to the poorly developed road systems in the jungle regions in Peru, and because the navigable rivers do not flow northward toward processing facilities in Colombia, the transport of coca paste by air was simply the fastest and most efficient method.¹⁰ Thus, in order to move the product from Peru to Colombia and sometimes Bolivia, a narcotrafficking “air bridge” was created which involved the use of small civilian aircraft to go between the countries taking semi-refined coca out of Peru for further processing and export through Colombia, with the return trip bringing cash back in to the Peruvian narcotraffickers. In fact, during the 1980s, the U.S. GAO assessed that up to 90 per cent of narcotrafficking in the region was occurring via this air bridge.¹¹ At the height of the aforementioned narcotrafficking air bridge during 1994, the U.S. detected more than 428 narcotics flights departing Peru carrying an estimated total of 310 metric tons of semi-refined cocaine, with an average load of approximately 724 kilograms per flight. The FAP placed the average number of international trafficking aircraft even higher, at up to 270 flights per month.¹² By the mid-1990s, these civilian aircraft flights had clearly emerged as the key mode of illicit export of Peruvian coca to outside markets, and the so-called air bridge was identified as the

⁹ U.S. SSCI, *Review of United States Assistance*, 2.

¹⁰ U.S. SSCI, *Review of United States Assistance*, 8.

¹¹ United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs, *Peru Investigation Report: The April 20, 2001 Peruvian Shootdown Accident* (August 2001), 2, <https://www.hsdl.org/?search&exact=United+States.+Bureau+for+International+Narcotics+and+Law+Enforcement+Affairs&searchfield=publisher&collection=limited&submitted=Search&advanced=1&release=0>

¹² U.S. State Department, *Peru Investigation Report*, 2.

critical node in the War on Drugs, and thus, the aerial transport of Peruvian coca became a primary target of U.S. counternarcotics efforts in the region.

1.2. U.S. response to coca production in Peru

So what was the U.S. response to the coca production and trafficking within and out of Peru? In 1989, President George H. W. Bush outlined his overall counter-drug strategy with a focus on both reducing the demand and supply of illicit drugs, including treatment, prevention/education, research, law enforcement, and international efforts. One of the key components of this multi-faceted U.S. drug control policy was the Andean Initiative. The Initiative was designed to help the major coca-growing/processing/shipping nations of Bolivia, Colombia and Peru “to reduce illicit drug activities.”¹³ The U.S. strategy included an increase of economic, military, and law enforcement assistance to the aforementioned three countries, in addition to preferential trade treatment for these same countries. Moreover, in order to formalize the initiative, the first Andean drug summit meeting was held on February 15, 1990, in Cartagena, Colombia, during which time the governments of the U.S., Bolivia, Colombia, and Peru pledged to “cooperate with one another in a concerted attack on every aspect of the drug trade and to exchange information on the flows of both precursor chemicals and drug money.”¹⁴

In accordance with President George H.W. Bush’s drug control efforts, the U.S. increased support to Peruvian counternarcotics efforts and deployed U.S. Special Operations Forces to train the Peruvian military in counter-drug operations.¹⁵ In addition to funding and

¹³ Raphael F. Perl “United States Andean Drug Policy: Background and Issues for Decisionmakers,” *Journal of Interamerican Studies and World Affairs* Vol. 34, No. 3, *Special Issue: Drug Trafficking Research Update* (Autumn 1992): 13.

¹⁴ Perl, “United States Andean Drug Policy,” 17.

training Peruvian efforts, the U.S. established a large and multi-pronged counter-drug program in Peru based on what it labeled the “four pillars” of drug control: interdiction, eradication, alternative development, and demand reduction.¹⁶ During that time, most of the sections of the U.S. Embassy in Lima contributed to this counternarcotics effort, with the lead agency of responsibility being the Drug Enforcement Agency (DEA), working in coordination with the Peruvian National Police.¹⁷

In order to address the specific objective of interdiction, the U.S. began to consider methods to interrupt the transport of coca paste by civilian aircraft between Peru other countries through the aforementioned air bridge. To that end, the U.S. began consistent aerial monitoring of civilian aircraft flying as part of this air bridge in 1990, under the U.S. Southern Command’s Operation Support Justice, which also included the participation of the CIA in 1991-1992.¹⁸ The stated objective of Operation Support Justice was to use ground based radars in Peru along with U.S. aerial tracking and surveillance aircraft, such as the U.S. Air Force’s E-3 Sentry Airborne Warning and Control System (AWACS) and U.S. Navy P-3 Orion and E-2C Hawkeye, which were equipped with high fidelity air detection radars, to confirm local Peruvian law enforcement intelligence sources regarding suspected locations and routes of the small civilian aircraft operating the air bridge within the region.¹⁹ Operation Support Justice provided data on the routes being used by trafficking aircraft, the flight times, departure points and final destinations, and the U.S. would then pass this information to the appropriate Peruvian civilian and military

¹⁵ Perl, 14.

¹⁶ U.S. SSCI, *Review of United States Assistance*, 2, including staff interviews with United States Embassy Country Team, Lima, Peru, June 21 2001.

¹⁷ U.S. SSCI, *Review of United States Assistance*, 2.

¹⁸ CIA, *Report of Investigation*, 3.

¹⁹ U.S. State Department, *Peru Investigation Report*, 2.

officials and alert them to the ongoing flights and initiate discussions on how these flights might be stopped. Thus, the initial steps in U.S. aerial surveillance were not explicitly interdiction missions per se; rather, they were ISR operations intended to bolster Peruvian military and police ground operations in the jungle.

In order to further formalize the aforementioned intelligence sharing between the U.S. and Peru, in May 1991 the governments signed a bilateral counternarcotics framework document that set the policy stage for all aspects of counternarcotics cooperation, including a reference to cooperation against aerial trafficking.²⁰ Moreover, Section B.13 of this bilateral document stated in part "the Government of Peru shall propose policies designed to remove incentives for drug trafficking. The Government of Peru 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."²¹

However, during the development of the intelligence gathering and sharing program, the U.S. Government expressed concerns over the challenges the GOP faced in efforts to combat narcotrafficking. For example, the U.S. GAO concluded in a 1991 report that:

It is unlikely that a U.S. counternarcotics strategy would be effective in Peru unless significant progress is made in overcoming serious obstacles primarily beyond U.S. ability to control, including: (1) difficulties in implementing government control over military and police units involved in counternarcotics operations, (2) extensive corruption, (3) lack of coordination between the military and police agencies of the host nation, (4) lack of control over airports, (5) political instability caused by insurgent groups, (5) an economy heavily dependent on coca-leaf production, and (6) human rights violations committed by the military and police.²²

²⁰ U.S. State Department, *Peru Investigation Report*, 3.

²¹ See note above.

²² U.S. GAO, *The Drug War: US Programs in Peru Face Serious Obstacles* (report to congressional requesters), October 1991, 4-6.

These concerns and obstacles were set against a backdrop of internal instability in Peru, with an ongoing fight against the Sendero Luminoso (or the Shining Path) and the Movimiento Revolucionario Túpac Amaru (or the Túpac Amaru Revolutionary Movement or MRTA) terrorist groups, economic depression and hyperinflation, and Peruvian political transition to the government of President Alberto Fujimori in 1990. Most importantly, the concerns outlined by the 1991 U.S. GAO report showed the challenges associated with control and coordination of forces involved in the drug fight. This is a point that would continue to show itself as problematic throughout ABDP, particularly with the added challenge of bilateral military and government agency control and coordination throughout the operations—a factor that would ultimately prove fatal in 2001.

1.3. Peruvian Government Measures

Initially, under President Alberto Fujimori's new government and the so-called "Fujimori Doctrine," the Peruvian government sought to establish a market economy in coca-growing regions, claiming respect for human rights, and attempting to distinguish between the coca leaf growers and the drug traffickers.²³ The Peruvian government sought to achieve its counternarcotics aim by interdicting flights at their points of departure or arrival on the ground within Peruvian territory. These terrestrial counter-trafficking operations consisted of pre-positioned law enforcement units at clandestine airstrips to catch traffickers loading or unloading aircraft on the ground, destroying illicit airstrips with explosives, and intensifying passenger and cargo searches of Peruvian aircraft. According to the U.S. government, this early program had

²³ Ricardo Soberón Garrido "The War on Cocaine in Peru," *The WOLA Briefing Series: Issues in International Drug Policy*, Issue Brief 6 (7 August 1992): 4, <https://www.tni.org/es/node/7383>

some success at changing narco-trafficking flight patterns, and forced the traffickers to spread out their production, relocate, and primarily only fly at night.²⁴

However, at the same time, along with new ambitious economic and counter-terrorism programs, Fujimori's new government ushered in a striking series of executive decrees, which led to a complete reversal in the aforementioned policy. In June of 1991, Fujimori requested that the Peruvian Congress give him the power to legislate on economic issues and to develop a comprehensive policy for combating both domestic terrorism and drug trafficking. The 126 executive decrees, which were subsequently issued in November 1991, laid out the Peruvian government's national "pacification" strategy.²⁵ Approximately 30 of these decrees essentially granted unlimited powers to the Peruvian armed forces throughout the country to combat violence, especially in the designated "emergency zones." The decrees also strengthened the Peruvian military at the expense of human rights protections for civilians, in turn contradicting many of the previous principles set forth in the so-called "Fujimori Doctrine."²⁶

Regarding the counternarcotics efforts, the Fujimori government specifically addressed the theme of air interdictions and bestowed responsibility of these operations to the FAP. Under Fujimori's government, *Decree Law Number 25426* was passed on April 9, 1992, which first declared a state of emergency extending over all airports in the Huallaga Zone and any coca-producing zone.²⁷ There were clearly internal political reasons that led this decree to take a firmer stance against narco-traffickers, including the powerful state of emergency language

²⁴ U.S. SSCI, *Review of United States Assistance*, 3.

²⁵ Soberón Garrido "The War on Cocaine in Peru," 6-7.

²⁶ Soberón Garrido, 6.

²⁷ Government of Peru, *Decreto Ley No. 25426*, April 9, 1992, <https://www.deperu.com/legislacion/derogada-decreto-ley-n-25426.html>

included in the text. This decree by Fujimori was part of a larger internal government shift in Peru, and was issued just four days after the famous Peruvian “autogolpe” or self-imposed coup d’etat on April 5, 1992, during which Fujimori announced he was “temporarily dissolving” the Congress of the Republic and "reorganizing" the Judicial Branch of the government, and suspending much of the Constitution—a move that at the time had an overwhelming majority of support among the Peruvian public, in light of the ongoing violence and economic hardships.²⁸ With Fujimori’s emergency measures and executive powers in place, the *Decree Law Number 25426* authorized the FAP to take control of all airports and airfields in the Upper Huallaga Valley and any other areas associated with narcotrafficking, and to take “adequate measures” to destroy runways used by traffickers was part of new hard-line approach by the Peruvian executive to apply “drastic punishments” towards terrorists.²⁹

As a result of the autogolpe and the subsequent executive decrees, in the Upper Huallaga Valley alone the FAP had established 16 "aeronautical control bodies" at airports and airfields, which were tasked to review aircraft flight plans in and out of local airports, enforce evening flying curfews, and monitor flying times for domestic flights in order to ensure that there were no unknown or illicit flights.³⁰ Moreover, Article 4 of the *Decree Law Number 25426* stated that the FAP would intercept both national and foreign aircraft flying above the coca growing zones, at which point the aircraft would have to identify themselves and their flight path. Article 4 then went on to state that, should intercepted aircraft fail to comply with the FAP’s requested information, the FAP would take “appropriate measures” including the possible downing of

²⁸ Gustavo Pastor, “Los veinte años del ‘autogolpe’ de Fujimori: el surgimiento del ‘fujimorismo,’” *SciencesPo, Amerique Latine Political Outlook*, 2012, <http://www.sciencespo.fr/opalc/sites/sciencespo.fr.opalc/files/Fujimori%20P%C3%A9rou.pdf>.

²⁹ Government of Peru, *Decreto Ley No. 25426*, April 9, 1992.

³⁰ *Decreto Ley No. 25426*

aircraft.³¹ This strongly hinted at the use of weapons against narcotrafficking civil aircraft under restricted conditions and in conformity with the Peruvian Civil Aeronautics Law and the international procedures for interception established by the International Civil Aviation Organization (ICAO).³²

Almost immediately it appeared likely that Fujimori's autogolpe and new hard-line measures might affect relations with the United States. A couple months earlier, the February 1992 San Antonio Summit on drugs, attended by the original members from Bush's Andean Initiative, plus Ecuador, Mexico, and Venezuela, had already stressed relations between the U.S. and Peru, as the Fujimori government publicly criticized the U.S. DEA of corruption and complicity in the war on drugs.³³ On April 6, 1992, the day after Fujimori's famous autogolpe declaration on national television, the U.S. government decided to "suspend immediately all new assistance to Peru and to review all of its assistance to that country."³⁴ As a result, the U.S. government froze some \$30 million in economic aid and \$15 million in military aid slated for Peru that had not yet been given for 1991. The U.S. also froze a further \$100 million slated for economic aid and \$39 million for military aid due to be granted to Peru in 1992.³⁵ Additionally, on April 14, nine days after the autogolpe, the Bush administration withdrew the approximately 20 U.S. Army Special Forces troops from their military training and support role in Peru. Of note, despite freezing significant military and economic aid, the Bush administration did

³¹ *Decreto Ley No. 25426*

³² Government of Peru, *Ley N° 24882, Ley de Aeronáutica Civil del Perú*, 1988.

³³ Cynthia McClintock and Fabian Vallas, *The United States and Peru: Cooperation – At A Cost*, (London: Routledge, 2003), 116.

³⁴ Thomas L. Friedman, "U.S. is Shunning Sanctions Against Peru" *The New York Times*, April 14, 1992, <https://www.nytimes.com/1992/04/14/world/us-is-shunning-sanctions-against-peru.html>

³⁵ McClintock and Vallas, *The United States and Peru*, 118.

maintain its humanitarian aid (\$120 million) and most of the aid earmarked for narcotics control.³⁶ While it appeared the U.S. wanted to stay somewhat involved in the Peruvian counternarcotics fight, the government appeared hesitant in growing its partnership considering Fujimori's new aggressive and autocratic posturing.

1.4. Further Complications: Peru Attacks a U.S. C-130

To further complicate diplomatic relations between the two countries and counternarcotics efforts, a couple weeks after Fujimori's autogolpe, on April 24, 1992, Peruvian Su-22 jets attacked a U.S. Air Force C-130H aircraft approximately 60 nautical miles off the northern coast of Peru, resulting in one U.S. crewmember being killed, four crewmembers injured, and an emergency landing by the C-130 at the Peruvian airport of Talara.³⁷ The chain of events provides a glimpse at the complications presented by binational operations and sensitive counter-drug operations, especially considering bilingual communication problems.

According to U.S. officials, the C-130H ISR aircraft had been flying a counter-drug intelligence collection mission over the Upper Huallaga Valley, including taking aerial photographs of cocaine labs and narcotrafficking airstrips. This ISR operation by the 430th Reconnaissance Technical Group, under the name Operation Furtive Bear, was a subset of U.S. Southern Command's ongoing broader Operation Support Justice efforts.³⁸ While the Pentagon's official account is that the C-130's precise purpose had been "approved by the two Governments," the FAP tells a different side to the story—that the unidentified aircraft was

³⁶ McClintock and Vallas, 118.

³⁷ Nathaniel C. Nash, "Peru Jets Attack United States Air Transport," *New York Times*, April 26, 1992, <https://www.nytimes.com/1992/04/26/world/peru-jets-attack-us-air-transport.html>

³⁸ History Office, XVIII Airborne Corps and Joint Task Force South: OPERATION JUST CAUSE, <https://history.army.mil/documents/panama/taskorg.htm>

unresponsive, and was flying over an unauthorized airspace zone.³⁹ Moreover, the FAP stated that when the C-130 was intercepted by the FAP's Su-22 jets from El Pato Airbase, it could have responded via radio or landed to identify itself, and that the Su-22s took every appropriate measure to provide warnings to the C-130.⁴⁰ However, apparently in accordance with U.S. intelligence flight procedures and sensitive protocols from the Cold War, the U.S. ISR asset was not permitted to communicate, fearing possible discovery of classified intelligence capabilities.⁴¹ Thus, instead of responding to the FAP's requests for identification, the C-130 crew instead quickly pulled in its ISR sensors and began to depart Peruvian airspace. According to a U.S. Pentagon spokesperson after the event, the C-130 was returning to its base at Howard Air Force Base in Panama (of note, it had stopped on its way down to Peru to refuel at Guayaquil, Ecuador).⁴²

To further complicate the situation, the only communications network that the U.S. had established to potentially contact the Peruvian officials was a convoluted and lengthy process, which further foreshadowed the binational communications problems of ABDP to come. In an attempt to establish contact, the C-130 radioed the U.S. Southern Command's Joint Reconnaissance Center at Howard Air Base, Panama, which in turn called the Southern Region Operations Center that actually controlled counternarcotics aerial surveillance missions in Latin America. In turn, the Southern Region Operations Center, also in Panama, then radioed one of the joint radar stations in northern Peru, at Yurimaguas. However, bilingual Spanish-English

³⁹ "A Spy Mission Gone Wrong" *Newsweek Magazine*, May 30, 1993. <https://www.newsweek.com/spy-mission-gone-wrong-193254>, and "FAP agotó toda forma de aviso antes de disparar contra el avión de EE.UU.," *La República*, April 26, 1992.

⁴⁰ See note above.

⁴¹ "A Spy Mission Gone Wrong" *Newsweek Magazine*, May 30, 1993. <https://www.newsweek.com/spy-mission-gone-wrong-193254>

⁴² See note above, and "Hercules derribado no era de la DEA," *La República*, April 29, 1992.

barriers and interconnected communications proved challenging, and according to government documents following the event, the only Spanish-speaking U.S. military representative at the Yurimaguas radar site was a U.S. guard who was off duty at that time.⁴³ Peruvian officers at Santa Lucia radioed their Lima headquarters to warn that an unidentified “cargo plane had been spotted.”⁴⁴ Although a U.S. official was sitting in the Lima FAP headquarters as a liaison officer for potential binational air coordination, he was not consulted about the identity of the aircraft.⁴⁵

Meanwhile, the C-130 flew out 60 nautical miles off the Peruvian coast, and the pilot began northward toward Panama, assuming he had safely departed Peru's 12 nautical mile international airspace limit. However, the U.S. Air Force pilot did not know that Peru actually claimed up to 200 nautical miles off its coast as sovereign territory, and the Su-22s continued their pursuit out over the Pacific Ocean.⁴⁶ According to a chronology of the event, at approximately 4:58 p.m. local time, two Peruvian Su-22 fighters intercepted the C-130, and the U.S. crew visually observed the FAP jets rocking their wings, the international signal for "you have been intercepted, follow me."⁴⁷ According to the Pentagon, the C-130 pilots tried to communicate with the intercepting Peruvian fighters on the radio frequencies reserved for international distress signals. However, the Peruvian pilots were not tuned to those specific frequencies—instead only listening in to their national frequencies. The C-130 then radioed its

⁴³ See note above.

⁴⁴ See note above.

⁴⁵ See note above.

⁴⁶ Per the 1982 United Nations Convention on the Law of the Sea (UNCLOS), every state has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles; however, in the case of Peru, since 1947 the national claim extends to 200 nautical miles, which has been a point of international contention for fishing rights and airspace control. (J. Ashley Roach and Robert W. Smith, *Excessive Maritime Claims* (Leiden: Nijhoff, 2012), 353-355).

⁴⁷ “A Spy Mission Gone Wrong,” *Newsweek Magazine*.

headquarters in Panama, but the pilot was given orders by U.S. officials to “ignore the Peruvians and head north.”⁴⁸

Seeing that the U.S. aircraft was not responding, and not receiving any sort of radio response, the Peruvian jets proceeded to fire several 30-mm rounds at the C-130, which blew a hole in the body of the aircraft and decompressed the cabin. During the attack, U.S. Air Force crewmember Sergeant Joseph Beard was sucked out of the C-130 without a parachute at approximately 18,500 feet above sea level and his body was never found. The C-130 headed for the Peruvian coast, while the FAP Su-22s passed by for two more firing runs, leading to an explosion in the C-130’s rear cargo compartment.⁴⁹ The C-130, already punctured by multiple rounds of ammunition, with its fuel tanks leaking, an engine destroyed and three flat tires, made an emergency landing at Talara on the Peruvian coast. Upon landing, the U.S. crew reported that Peruvian military personnel encircled the C-130. According to a U.S. Embassy statement later, the Peruvian base commander, Colonel Carlos Portillo Vasquez, left “no doubt” that his pilots already knew they had shot at a U.S. aircraft.⁵⁰

So what then was the disconnect regarding the identity of the C-130? How could the FAP claim that it did not know the identity of the C-130? According to the Pentagon, prior to the mission, the crew and U.S. military authorities understood they had authorization of the GOP for the C-130’s counter-drug operations.⁵¹ The Pentagon claimed that the U.S. Air Force had received Peruvian Government approval for that specific flight two days before it took place,

⁴⁸ “A Spy Mission Gone Wrong,” *Newsweek Magazine*.

⁴⁹ See note above.

⁵⁰ See note above.

⁵¹ “Peruvian shooting of U.S. aircraft caused by miscommunication,” *United Press International*, December 14, 1992, <https://www.upi.com/Archives/1992/12/14/Peruvian-shooting-of-US-aircraft-caused-by-miscommunication/3283724309200/>

which followed the standard procedures agreed upon by the two countries—that flight approval had to be obtained at least 24 hours before any mission.⁵² U.S. officials had understood the earlier notice to mean that the notification requirement was already satisfied. However, a post-incident investigation revealed that the Peruvian side had apparently expected the flight to be reconfirmed at the 24-hour deadline. When that did not happen, the FAP concluded the original scheduled flight had been cancelled.⁵³ After the intercept, the FAP released a statement, *Comunicado 008-92*, saying that two FAP aircraft intercepted an unidentified C-130 aircraft without a flight plan in an unauthorized zone approximately 80 miles southwest of Talara.⁵⁴

In order to explain the shootdown, at first Peruvian military officials said the Su-22 pilots could not have known the plane was a U.S. asset, pointing out that the aircraft's black USAF letters were not clearly visible, the aircraft did not have a clear registration number, or visible U.S. flag on the tail, and that the plane did not respond to warnings (see Figure 2).⁵⁵ Moreover, the FAP stated the C-130s flight path was "suspicious" and the Su-22 FAP pilots claimed they believed the military aircraft was instead a narcotrafficker, and maintained they had acted professionally and in accordance with ICAO procedures.⁵⁶ Some Peruvian military officials even suggested conspiracies of secret U.S. operations, based on the aircraft's paint scheme and lack of insignia, suggesting that perhaps the aircraft was itself even carrying cocaine.⁵⁷ President

⁵² "A Spy Mission Gone Wrong," *Newsweek Magazine*.

⁵³ See note above.

⁵⁴ "FAP agotó toda forma de aviso," *La República*, April 26, 1992.

⁵⁵ "Avion norteamericano no tenia permiso para sobrevolar las costas de Talara," *La República*, April 27, 1992, and "Hercules derribado no era de la DEA," *La República*, April 29, 1992.

⁵⁶ Nash, "Peru Jets Attack United States Air Transport," *The New York Times*, April 26, 1992, and "Hercules derribado no era de la DEA," *La República*, April 29, 1992.

⁵⁷ "Hercules derribado no era de la DEA," *La República*, April 29, 1992.

Fujimori publicly said that the U.S. Air Force plane was flying without an approved flight plan and did not bear the U.S. flag when Peruvian fighter aircraft fired on it.⁵⁸ A FAP spokesman said the American plane had veered 300 miles off its scheduled course and ignored repeated radio messages, visual signals, and warning shots.⁵⁹ Regardless of the apparent difficulty in positively identifying the C-130 a U.S. military aircraft, the Su-22s had repeatedly fired upon the target well into international airspace.

From the other perspective, U.S. officials, including the U.S. Ambassador in Lima at the time, Anthony Quainton, said the flight had been planned and coordinated in advance, and the C-130 was in fact an “identified” flight, and they disputed the FAP version by adding that narco-traffickers had not been observed using this type of cargo aircraft.⁶⁰ Moreover, some Pentagon officials even went as far as to speculate that the Peruvians fired because they suspected the U.S. of spying on secret dealings between corrupt Peruvian military officers and traffickers.⁶¹ In fact, U.S. officials involved in the counternarcotics missions had reported that Peruvian military officials had developed relationships with narco-traffickers around this time.⁶² Ambassador Quainton called President Fujimori, and according to a U.S. Embassy spokesman and Peruvian press reporting, Fujimori expressed “regret and concern” over the event, apologized

⁵⁸ Adriana Von Hagen, “Attacked Plane Had No U.S. Flag, Fujimori Says: Peru: Officials insist that fired-on C-130 ignored repeated radio and visual warnings,” *LA Times*, April 26, 1992, <https://www.latimes.com/archives/la-xpm-1992-04-26-mn-1533-story.html>, and “FAP agotó toda forma de aviso,” *La República*, April 26, 1992.

⁵⁹ Nash, “Peru Jets Attack.”

⁶⁰ “Avión norteamericano no tenía permiso,” *La República*.

⁶¹ *Newsweek*, “A Spy Mission Gone Wrong”; however, this conspiratorial view was likely not the motivating factor, and the attack was probably the combined product of miscommunication and increased stresses with the new state of emergency decrees by the Fujimori government (McClintock and Vallas, 117).

⁶² Stephen G. Trujillo, “Corruption and Cocaine in Peru,” *The New York Times*, April 7, 1992, <https://www.nytimes.com/1992/04/07/opinion/corruption-and-cocaine-in-peru.html>

for the incident, and promised a thorough investigation by Peruvian officials.⁶³ However, while Peruvian press reports said Fujimori had called President Bush to apologize, the White House said the two had not spoken about the incident.⁶⁴ Regardless of the specific details of an official apology or not, the Peruvian press acknowledged that the incident came at a time of tense relations for the two countries following Fujimori's autogolpe, and caused a public dispute between the two governments, including an argument over who would pay compensation to the family of Sergeant Beard, the deceased U.S. crewmember.⁶⁵ Additionally, the Peruvian government sent a \$20,000 bill to the U.S. Embassy demanding payment for the care and medical treatment of the wounded C-130 crewmembers after landing near Talara.⁶⁶ Meanwhile, the FAP Su-22 pilots were apparently awarded air medals for their actions in the intercept, which further frustrated some in the U.S. Government.⁶⁷

While there was much speculation and even conspiracy surrounding the details, reasoning, and failures of the intercept, the tragic event was likely due to a myriad of factors, including the newly issued *Decree Law Number 25426* by Fujimori's government just two weeks earlier. This likely caused the FAP to be more aggressive in its posture toward all suspected aircraft. While it was known that U.S. aircraft conducted ISR missions in the Upper Huallaga Valley in coordination with the DEA and Peruvian counternarcotics operations, the recent Peruvian change in FAP interdiction authorities likely created confusion in the chain of command under a heightened posture. The U.S. crew also neglected (or missed) signals by the

⁶³ "FAP agotó toda forma de aviso," *La República*.

⁶⁴ "FAP derriba avión de EE.UU. en las costas de Talara," *La República*, April 25, 1992, and Nash, "Peru Jets Attack."

⁶⁵ "FAP agoto toda forma de aviso," *La Republica*.

⁶⁶ McClintock and Vallas, 117.

⁶⁷ See note above.

FAP jets to land, and proceeded with its flight path as ordered and per its regulations to protect its sensitive intelligence capabilities.

Additionally, as would be the case in the 2001 shutdown of the missionary floatplane, there was clearly a language barrier and lack of multilingual officials involved in air operations, considering the binational counternarcotics coordination that was ongoing. This is illustrated by the lack of Spanish speakers across multiple U.S. military organizations at the time. In fact, following a joint investigation with the Peruvian government, the U.S. military even officially publicly acknowledged a mutual lack of understanding of language.⁶⁸ With the multiple layers of miscommunication, the 1992 incident demonstrated there were already troubling military coordination issues between the two governments, and this case of confusion in the air and aggressive posturing, would come back to prove fatal once again in the 2001 missionary plane shutdown, and ultimately the end of ABDP in Peru.



Figure 2: Photos of the U.S. C-130 aircraft at Talara Airport following the downing by the FAP Su-22s, as published in the Peruvian newspaper *La República*, which show the paint scheme.⁶⁹

⁶⁸ “Peruvian shooting of U.S. aircraft caused by miscommunication,” *United Press International*, December 14, 1992, <https://www.upi.com/Archives/1992/12/14/Peruvian-shooting-of-US-aircraft-caused-by-miscommunication/3283724309200/>

⁶⁹ Nelson Vela, “El caso del avión de EE.UU. derribado,” *La República*, April 29, 1992.

CHAPTER 2. Pause, re-evaluation, and formalization of Air Bridge Denial

2.1. United States Legal Concerns and Measures

Following the 1992 C-130 incident, and despite the public political dispute regarding the attack, the U.S. continued its counternarcotics aerial surveillance operations with Peru.⁷⁰ Behind the scenes it appeared there were already plans to actually increase counter-drug cooperation with the Fujimori government.⁷¹ By September 1992, the two governments had agreed to new measures intended to prevent future accidental shootdowns, and by January 1993, the U.S. had returned with aerial surveillance missions over the Upper Huallaga Valley.⁷² Additionally, in the U.S. a new Peruvian administration meant a shift in its foreign policy. In 1993, President Bill Clinton issued *Presidential Decision Directive 14 (PD-14)* shifting the focus of U.S. counter-drug efforts from the transit zone in the Caribbean Sea and Gulf of Mexico to the source zone, chiefly Colombia, Peru and Bolivia.⁷³ As a result, the U.S. stepped up its assistance to Peru in 1993, as the GOP continued to implement the aforementioned Peruvian *Decree Law Number 25426*, which contemplated the use of deadly force against aircraft engaged in drug trafficking.⁷⁴ Also in 1993, under the aforementioned Operation Support Justice, the U.S. continued to pass aircraft and ground-based ISR data to the FAP, which would the attempt to force the suspected narcotics trafficking aircraft to land.⁷⁵ Because FAP aircraft were not equipped with their own

⁷⁰ “EE.UU. no ha suspendido su apoyo aéreo al Perú para lucha contra narcotráfico,” *La Republica*, April 28, 1992.

⁷¹ Cornelius Freisendorf, *US Foreign Policy and the War on Drugs* (London: Routledge, 2007), 94.

⁷² Freisendorf, *US Foreign Policy*, 95.

⁷³ U.S. Congress, Committee on Government Reform and Oversight, *House Report 104-486: National Drug Policy: A Review Of The Status Of The Drug War* (19 March 1996), https://fas.org/irp/offdocs/pdd14_house.htm

⁷⁴ U.S. SSCI, *Review of United States Assistance*, 3.

radar, they relied on track data collected by U.S. aircraft and radar sites to locate suspicious aircraft.

Following increased pushes by the Clinton Administration under Operation Support Justice, the counternarcotics aerial surveillance program in Peru was formally and most significantly interrupted in early 1994, when the U.S. DoD, which was still providing ground-based radar tracking and ISR support to Peru for counternarcotics operations, stopped providing information that could be used by the FAP to interdict and shoot down aircraft. This decision came as a result of concerns that U.S. personnel could be held criminally liable under U.S. national law based on the Aircraft Sabotage Act of 1984, which specifically warns about the use of deadly force by foreign governmental agencies against 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”.⁷⁶ Furthermore, U.S. officials involved in air interdiction operations had concerns over the increased risks brought by *Decree Law Number 25426*, which authorized shootdowns when necessary, and the Government of Colombia’s announcement in early 1994 that it would also implement a policy authorizing the use of deadly force against suspected narco-trafficking aircraft. Consequently, the U.S. Department of Justice (DoJ) Office of Legal Counsel issued a formal opinion that U.S. personnel who provided assistance or information used by the FAP to shoot down or destroy a civil aircraft could be held criminally liable under the aforementioned U.S. law. As a result, on May 1, 1994, U.S. support to the Peruvian interdiction of drug flights

⁷⁵ U.S. State Department, *Peru Investigation Report*, 3.

⁷⁶ 18 United States Code Section 32(b)(2)2, *Destruction of aircraft or aircraft facilities*. This implemented the 1971 Montreal Sabotage Convention in accordance with international law.
<https://www.govinfo.gov/app/details/USCODE-2011-title18/USCODE-2011-title18-partI-chap2-sec32>

was officially suspended, pending a thorough review of the legal questions surrounding the U.S. involvement in those operations.

The details of the frustrations felt by both governments following the sudden U.S. suspension to the aerial tracking assistance in Peru is highlighted in a U.S. Embassy cable from Lima three days after the U.S. DoD's announcement. In the cable, the U.S. Ambassador in Peru sent a message to Pentagon officials requesting that the DoD postpone a planned visit to Peru pending the outcome of the tense issue. The postponement of the visit, which had been intended to persuade Peru to preserve a counterdrug helicopter unit owned by the DoS illustrates the extent to which the impasse disrupted U.S. counternarcotics programs in the Andes in general and reveals the level of frustration felt by officials in the two countries: "Our inability to define a reliable USG (U.S. government) policy," the Ambassador states, "leaves us unable to authoritatively resolve the current uncertainty about this aspect of DoD counternarcotics cooperation."⁷⁷

On April 28, 1994, another U.S. Embassy cable from Lima shows a request from the Charges de'Faite to the Peruvian Ministry of Defense that they provide a guarantee that weapons would not be used against "civil aircraft in flight."⁷⁸ In response, Fujimori's Minister of Defense at the time, General Victor Malca Villanueva, delivered a letter suggesting the suspension of all U.S. intelligence flights over Peruvian airspace as well as operations at the U.S.-operated radar site at Yurimaguas, "while the North American government takes a definitive decision" with respect to the sharing of real-time tracking data. The General Villanueva also quotes from the

⁷⁷ "Shootdown in Peru: The Secret U.S. Debate Over Intelligence Sharing with Peru and Colombia" *National Security Archive Electronic Briefing Book* No. 44 (April 23, 2001), Edited by Michael L. Evans, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB44/>

⁷⁸ U.S. Embassy Lima, *Your Proposed Visit to Peru*, May 4, 1994. <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB44/doc4.pdf>

Chicago Convention on civil aviation, noting "every state has full and exclusive sovereignty in the airspace situated over its territory."⁷⁹

The DoS frustration about what they considered an abrupt unilateral DoD decision to suspend the sharing of real-time intelligence is evident in another now-declassified confidential memorandum, prepared by the Bureau of International Narcotics Matters for a briefing with the Secretary of State, Warren Christopher. According to the document, the suspension of surveillance support to Peru and Colombia "has undercut our counternarcotics efforts and damaged our credibility in the hemisphere" and the U.S. embassies "were caught completely off-guard" by the decision, and, "several of our fundamental foreign policy and narcotics control interests are now at risk."⁸⁰ The U.S. ambassadors in both Peru and Colombia were concerned that the decision would weaken other U.S. policy issues in the region and give the "greenlight" to narco-traffickers who were now likely to expand their operations.⁸¹

The Clinton White House shared the view that the suspension of these ISR activities was the wrong decision, and along with collaboration from the DoD, CIA, and DoS, understood that the U.S. intelligence-sharing program with the Latin American countries had so far proved successful at reducing narco-trafficking, and they in turn should be resumed. Hence, the White House convened an interagency review to determine a legal remedy to the concerns that had been raised by the DoD.⁸² The interagency review led to the crafting of a legislative proposal to address concerns about the safety of aircraft. First, in July 1994, the U.S. Senate adopted an

⁷⁹ U.S. Embassy Lima, *Suspension of Provision of DoD Real-time Radar Track Data to Peru*, May 9, 1994, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB44/doc5.pdf>

⁸⁰ DoS, Bureau of International Narcotics Matters, *Talking Points: Implication of DoD's Forcedown Decision*, May 9, 1994, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB44/doc6.pdf>

⁸¹ See note above.

⁸² U.S. SSCI, *Review of United States Assistance 4*.

amendment to the National Defense Authorization Act for the upcoming Fiscal Year 1995, and provided relief from the 1984 Aircraft Sabotage Act, granted the President had determined that interdiction was appropriate considering “drug trafficking posed an extraordinary threat to the national security of a country” and that country had “appropriate procedures in place to protect against the innocent loss of life.” One point of contention during the Congressional debate over the amendment was the position that these interdiction procedures should include “extensive efforts to make contact with a suspect aircraft, including visual signals and warning shots.”⁸³ Thus, even seven years before the fatal accident with the missionary plane, there was justified government consternation that civilian lives were at risk and should be protected by thorough measures to positively identify intercepted aircraft.

By October, the new legislation was signed into law and granted immunity to anyone engaged in air interdiction if certain conditions were met: that the aircraft was reasonably suspected of being primarily engaged in illicit drug trafficking and that the U.S. president deemed the operations necessary for national security, and that the host nation had procedures in place to protect against civilian casualties. On December 1, 1994 Clinton issued *Presidential Determination Number 95-7, Resumption of U.S. Drug Interdiction Assistance to the Government of Colombia (PD 95-7)*, and a week later on December 8, 1994, he issued *Presidential Determination Number 95-9, Resumption of U.S. Drug Interdiction Assistance to the Government of Peru (PD 95-9)*, in which Clinton determined that Peru met U.S. legal requirements for renewed interdiction support. Specifically, *PD 95-9* 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

⁸³ See note above.

ICAO guidelines, and are contained in classified GOP plans and orders, as well as in Civil Aviation law 24882.”⁸⁴

2.2. Establishing Air Bridge Denial Standard Operating Procedures

With *PD 95-9*, the stage was set for renewed U.S.-Peruvian air interdictions of suspected narcotraffickers. Along with *PD 95-9* came the accompanying Memorandum of Justification (MOJ), which authorized support for ABDP and set out, in detail, the required U.S. and Peruvian procedures for ABDP. The MOJ is the first official evidence of formal procedures agreed upon between the U.S. and the Peruvian government regarding air interdiction operations. The MOJ stated that only aircraft “reasonably suspected of being primarily engaged in narcotrafficking could be legitimate targets” under the interdiction program, and that “the use of weapons against narcotrafficking aircraft in flight by the Peruvian Air Force may be authorized under very strict conditions after all attempts to identify innocent aircraft and to persuade suspected aircraft to land at a controlled airfield have been exhausted.”⁸⁵ The MOJ went on to describe Peru’s interdiction procedures in detail, including the mandate that Peruvian interceptor aircraft attempt to communicate with the suspected aircraft via radio. If the radio communication attempts were to fail, the interceptor aircraft was to use a series of visual communications procedures: “if radio contact is not possible the Peruvian Air Force pilot must use a series of internationally recognized procedures to make visual contact with the suspect aircraft and to direct the aircraft to

⁸⁴ *Presidential Determination No. 95-9, Resumption of U.S. Drug Interdiction Assistance to the Government of Peru*, December 8, 1994, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB44/doc12.pdf>

⁸⁵ *Memorandum of Justification for Presidential Determination Regarding the Resumption of U.S. Aerial Tracking Information Sharing and Other Assistance to the Government of Peru*, included in CIA, *Report of Investigation*, 25 August 2008, 296-298.

follow the intercepting aircraft to a secure airfield for inspection.”⁸⁶ The internationally recognized procedures referred to in the MOJ are those established by the ICAO, and require that “while flying in front or above the target aircraft, the interceptor plane must wag its wings up and down, flash its navigational lights on and off at irregular intervals, and then fly off to the left signaling ‘follow me,’” as had occurred during the 1992 intercept of the U.S. C-130 by the FAP jets.⁸⁷ Alternatively, the MOJ stated the FAP interceptor could fly above and in front of the suspected aircraft and lower its landing gear or turn on landing lights, which also indicated that the target aircraft should land.

According to the MOJ, if the suspected target aircraft did not respond to the visual signals, the interceptor aircraft should then fire warning shots, and if these were ignored, disabling shots:

If the aircraft continues to ignore the internationally recognized instructions to land, the Peruvian Air Force pilot—only after gaining the permission of the Commanding General of the VI RAT (Peruvian Air Force Sixth Territorial Air Defense Command) or in his absence the Chief of Staff—may fire warning shots in accordance with specified Peruvian Air Force procedures. If these are ignored, and only after again obtaining the approval of the Command General of the VI RAT or in his absence the Chief of Staff, the Peruvian Air Force pilot may use weapons against the trafficking aircraft with the goal of disabling it.⁸⁸

The MOJ also outlines the authorizations for shootdowns by the Commander of the FAP VI RAT or his Chief of Staff: “The final decision to use force against civil aircraft in flight—once all other steps have been exhausted—requires authorization from the VI RAT Commander—or in his absence his Chief of Staff—who will verify that all appropriate procedures have been

⁸⁶ CIA, *Report of Investigation*, 16 and 297.

⁸⁷ See note above.

⁸⁸ CIA, *Report of Investigation*, 297.

fulfilled.”⁸⁹ As will be seen during the execution of ABDP, these procedures were rarely followed by the FAP during shutdown procedures.

The ABDP was established east of the Andes in a region designated as a special air defense identification zone (ADIZ). Within this ADIZ, any aircraft flying during daylight hours below the altitudes flown by commercial airlines could be interdicted by the FAP. At night, all aircraft were prohibited from flying with the zone, with the exception of commercial aircraft, or aircraft with prior FAP authorization.⁹⁰ Regarding the obligations of the U.S. personnel involved in the program, the MOJ states:

As part of their standard operation instructions, all official U.S. government personnel in jointly manned facilities and platforms will regularly monitor compliance with agreed procedures and immediately report any irregularities through their chain of command. Should there be evidence suggesting that procedures are not being followed, the U.S. government will reevaluate whether Peru has appropriate procedures to protect against the loss of innocent life.⁹¹

This section clearly required appropriate oversight that the standard operating procedures were being followed. However, as will also be seen during an investigation of the actual shutdowns between 1995-2001, this section of the MOJ would be blatantly disregarded at multiple levels throughout the years of ABDP.

2.3. Air Bridge Denial Aircraft, Crew, and Formal Chain of Command

The ABDP in Peru relied primarily on three aircraft: one U.S. asset, the Cessna C-560 Citation, and two variations of FAP interceptors, the Cessna A-37B Dragonfly and the Embraer EMB-312 Tucano. The Citation, operated by the CIA, is a twin engine corporate jet equipped

⁸⁹ See note above.

⁹⁰ CIA, *Report of Investigation*, 17.

⁹¹ CIA, *Report of Investigation*, 17.

with ISR sensors, most notably its air-to-air tracking radar.⁹² Additionally, the Citation has a broad airspeed operating range, meaning it can cover and track both fast and slow moving aircraft. The FAP's A-37s are converted U.S. Air Force jet trainers, and are equipped with a 7.62mm Gatling gun in the nose of the aircraft. Moreover, the A-37s are fast aircraft, with a minimum speed of approximately 130 knots, which proved problematic during intercepts of slower moving aircraft, as would be the case in the missionary plane shutdown. The other aircraft used for Peruvian ABDP interdictions was the FAP EMB-312 Tucano, a single-engine turboprop fighter, armed with a 12.7mm machine gun on each wing. The Tucano is slower than the A-37, and has a longer dwell time on target, meaning it was better suited for intercepting slow moving single-engine civilian aircraft (it would likely have been better suited to intercepting the missionary plane), but the Tucano would not be as effective flying against a faster twin-engine aircraft that many narcotraffickers employed.⁹³ Of note, neither one of the FAP interceptor aircraft had air-to-air radars or infrared imaging capabilities to track intercepted aircraft, thus they relied on information passed from the Citation, and FAP aircraft intercepts relied on visual identification.

⁹² U.S. SSCI, *Review of United States Assistance*, 10.

⁹³ U.S. SSCI, *Review of United States Assistance*, 10.



Figure 3. Example photo of a Cessna Citation aircraft. Note: this is not the actual CIA ISR aircraft model used for ABDP in the 1990s, rather this is the updated modern ISR version—the surveillance sensors are visible under the front of the fuselage. However, this provides a good idea of what the CIA-operated aircraft may have looked like (CIA photos unavailable).⁹⁴

⁹⁴ Arie Egozi, “Mexico receives special mission Citations,” *Flight Global*, January 3, 2017, <https://www.flightglobal.com/news/articles/mexico-receives-special-mission-citations-432840/>



Figure 4. Example of a FAP A-37B Dragonfly.⁹⁵

⁹⁵ Manuel J. Armas, *Airliners.net*, December 13, 2014, <https://www.airliners.net/photo/Peru-Air-Force/Cessna-A-37B-Dragonfly-318E/2606385>



Figure 5. Example of a FAP EMB-312 Tucano.⁹⁶

The CIA Citation tracker aircraft were based in Pucallpa, Peru, and the CIA Officer in Charge (OIC) was responsible for supervision of local U.S. air operations and personnel. During each mission, the OIC would maintain radio communications with the tracker aircraft and monitored the air interdiction operations, reporting the conduct of procedures to CIA personnel at headquarters.⁹⁷ The Citations were equipped with a videotaping capability to record each air interdiction. Following each mission, the videos were to be reviewed by CIA personnel to ensure adherence to standard operation procedures. If any irregularities were noted during video review, the CIA officers in charge at Pucallpa were to then pass written statements up to headquarters, along with the videos.⁹⁸ There was also a CIA Officer stationed with the VI RAT

⁹⁶ Fernando Rospigliosi, "Ataque al amanecer," *Caretas*, no. 1352, February, 1995, <http://www.galeon.com/aviacionperucenepa/tucanos.html>.

⁹⁷ CIA, *Report of Investigation 19*.

FAP Commander in Juanjui (and later in Iquitos) who monitored transmission between the Citation and the ground commanders throughout the intercept procedures. These CIA officers were also meant to report on any deviations from standard operating procedures during the missions.

The Citation crew was composed of a pilot, co-pilot, mission sensor operator who operation the infrared radar and video recorder, and a FAP Host Nation Rider (HNR), typically a FAP major or lieutenant colonel ground control radar officer.⁹⁹ Most of the CIA pilots, co-pilots, and sensor operators for ABDP were former U.S. military personnel.¹⁰⁰ The HNR was essentially the most critical position, considering he was responsible for relaying commands between Peruvian authorities on the ground, and the FAP interceptor aircraft, and for coordinating positions of both the Citation and the FAP aircraft. Of note, because the HNR was expected to serve as the primary go-between for the U.S. Citation crew, the FAP officials on the ground, and the FAP interceptors, he was required to be bilingual—that is to say, able to effectively communicate in both Spanish and English during missions. In fact, the HNR was essentially tasked with translating the English message of the Citation crew regarding the intent of suspected aircraft, while directing the interceptor aircraft on to the target in Spanish. The question of how the FAP guaranteed this level of language aptitude remains unclear; however, in post-ABDP interviews U.S. crewmembers rated HNR English language skills from “poor” to “good.”¹⁰¹ If a HNR did not possess adequate language skills, U.S. officials could request that the FAP remove him from the program. Also, according to the CIA, in the beginning of the

⁹⁸ CIA, *Report of Investigation* 19.

⁹⁹ U.S. SSCI, *Review of United States Assistance*, 9.

¹⁰⁰ See note above.

¹⁰¹ See note above.

program, U.S. officials would interview and assess HNR for English language proficiency themselves. However, this screening process apparently stopped early on during ABDP.¹⁰²

The CIA pilots were also given minimal Spanish lessons, though their training consisted of two week long basic Spanish “crash courses,” which were obviously not sufficient for fluency, or even conversational level communications; however the U.S. crew operated under the assumption the FAP officer was bilingual.¹⁰³ This lack of multiple bilingual crew member positions meant that the FAP HNR became the critical focal point for communication between the U.S. and Peruvian officials and aircraft, meaning effective and timely communication flow under mission pressures of multi-tasking during condensed timelines relied on a potential single key point—a detail clearly shown to be problematic over time considering translation misunderstandings and task saturation. The other potential problem with consistency in the program was the high rate of personnel turnover on both sides. For example, the U.S. personnel deployed for 30-day tours in Peru and the average deployment time for the FAP HNR was just two weeks.¹⁰⁴ That meant that program personnel were constantly rotating, thus reducing continuity in procedures and expertise.

The other personnel complexity and potential point of frustration recognized by ABDP was the parallel chain of command structure established by each country. The U.S. CIA OIC was stationed in Pucallpa and controlled the U.S. side of the mission and sent orders directly to the Citation crew. The Peruvian chain of command centered on the HNR on board the Citation who then coordinated with the VI RAT Headquarters and FAP interceptor pilots once airborne.

¹⁰² U.S. SSCI, *Review of United States Assistance*, 9.

¹⁰³ See note above.

¹⁰⁴ See note above.

Under the established chain of command and authorities laid out by the PD and MOJ, only the Peruvian officials were authorized to order and execute a shutdown.¹⁰⁵ In other words, the U.S. crewmembers were only meant to provide information and advise the operations. To coordinate operations, the HNR would use the same radio frequency as the U.S. pilots to coordinate with VI RAT. This also proved frustrating, as post-ABDP interviews and analysis illustrated that the same radio frequency was consistently used by multiple operators, meaning there could be various users talking at the same time on the same frequency and causing confusion.¹⁰⁶

The first step of the air interdiction was to identify the suspected target plane and determine whether or not it was a legitimate and legal flight. However, this initial step was difficult, considering that many civil aircraft did not always file accurate or timely flight plans over the remote jungle region that was part of the ADIZ (as would be realized in the case later of Kevin Donaldson). There were also difficulties coordinating with local airports and control towers in the remote regions to verify whether flight plans had indeed been filed. Moreover, there was the fear that communication could spook suspected aircraft to attempt evasion, or even cross international borders into Brazil or Colombia, before the interdiction was possible. Thus, both CIA and FAP personnel were hesitant to even attempt radio communication with suspected aircraft until after interceptor aircraft had arrived on scene. Regarding visual identification, the Citation would first attempt to detect and observe the registration tail number of the aircraft. Once the tail number was obtained, the HNR was directed to call the Commanding General of the VI RAT in Juanjui to compare the number to a list of legally registered aircraft in Peru. The HNR was also supposed to carry a copy of this list for reference. If the tail number belonged to a legally registered civil aircraft, the intercept would be called off. If not, or if the tail number

¹⁰⁵ U.S. SSCI, *Review of United States Assistance*, 10.

¹⁰⁶ See note above.

could not be obtained, the intercept procedures continued.¹⁰⁷ If the Citation could not observe the tail number of the suspected aircraft, the pilots were instructed to provide a visual description of the aircraft, including the make, model, and color, to the VI RAT Commander. Based on the description and directional heading of the aircraft, the VI RAT ground officials were to also check the list of flight plans to see if any matched the suspected aircraft. Of note, following the investigation into ABDP and interviews with CIA officers, it was stated that even with identifying information from the Citation, it was typically difficult to find corroborating flight plan information. Moreover, if a flight occurred at night, this identification step was considered unnecessary since all night flights in the special ADIZ were already considered illegal under Peruvian law.¹⁰⁸ According to the aforementioned MOJ, if identification attempts failed to establish that suspected aircraft were legitimate, the VI RAT Commander could authorize the launch of FAP interceptors. Once airborne, the HNR on the Citation would pass the coordinates of the target aircraft to the FAP interceptor jet to attempt to visually locate the target aircraft (including at night through the use of night vision goggles). The Citation would then record each event on video and audio tied to the aircraft sensors and communications, as mentioned.¹⁰⁹

Once either the FAP Tucano or A-37 arrived on station, each intercept included three phases. During Phase I, the interceptor aircraft would attempt to communicate with the target after visually acquiring it and detecting and confirming its tail number. According to the MOJ and bilateral agreements, the interceptor aircraft was required to attempt to reach the suspected aircraft on at least two different radio frequencies. As mentioned in the MOJ, if radio contact

¹⁰⁷ CIA, *Report of Investigation*, 19.

¹⁰⁸ CIA, *Report of Investigation*, 20.

¹⁰⁹ CIA, *Report of Investigation*, 21.

was not possible, the FAP pilot “must use a series of internationally recognized procedures to make visual contact” with the suspected aircraft, including the aforementioned wing wagging, lowering of landing gear, flashing lights, or even giving visual hand signals.¹¹⁰ Despite the MOJ requirements, post-ABDP interviews and investigations revealed that CIA officers believed these visual signal procedures to be optional if they might affect the safety of the interceptor aircraft or potentially cause alarm to the suspected aircraft causing it to evade and escape interdiction. The FAP pilots interviewed after the program confirmed that these visual signals were difficult to exercise for various concerns over safety and mission, and acknowledged that they were never actually performed (video tape review of the intercepts confirms this).¹¹¹

Subsequently, the VI RAT Commander could then authorize Phase II, the firing of warning shots, if the target aircraft did not respond to previous attempts to make contact with the target. The warning shots were tracer rounds fired by the interceptor aircraft intended to get the attention of the target aircraft. Of note, post-ABDP investigations also illustrated that these tracer rounds were difficult to see during the day light hours, during which most of the shootdowns under ABDP occurred.¹¹² The other problematic aspect of tracer rounds is that much of the old tracer ammunition used by the FAP Tucanos and A-37s would only ignite briefly, and was likely not visible by the time it reached the target aircraft pilot’s field of view. Moreover, the interceptor aircraft position likely made it more difficult for suspected target aircraft to see the warning shots. According to the established procedures, the FAP aircraft were to fly in front and to the left of the target aircraft to maximize effectiveness of visual signals.

¹¹⁰ CIA, *Report of Investigation*, 297.

¹¹¹ This is according to the interviews with the FAP pilots and operators outlined in CIA, *Report of Investigation*, 22.

¹¹² CIA, *Report of Investigation*, 22.

However, almost all of the post-ABDP videos analysis shows the FAP interceptors stayed behind the target aircraft during the warning shots of Phase II, obviously making them more difficult to be seen to the crew of the target aircraft. This is due to the aforementioned cautionary approach outlined in Phase I, in which FAP pilots stated they were worried that flying in front of suspected narco-trafficking aircraft would be dangerous to the interceptors.¹¹³

Should the target aircraft not respond to the warning shots of Phase II, the VI RAT Commander could then authorize Phase III, which was the use of weapons to disable the target aircraft, still with the intent of forcing the suspected aircraft to heed warnings and obey the signals to land. Only after all attempts to force the aircraft to land would the VI RAT Commander be authorized to shootdown the target.

The PD and MOJ issued by the U.S. government did not outline a specific timeframe for all three phases to be followed and to give the target aircraft appropriate time to respond to warnings. However, there did seem to be a pattern of compressing timelines and rushing through the phases, likely due to worries that intercepted aircraft would attempt to evade and escape the interdiction. Based on reviews of shootdowns after the program, in at least nine of the first 14 shootdowns, fewer than 10 minutes elapsed between all phases, and in six of the ABDP shootdowns, fewer than two minutes – a timeline that at least to many CIA officials interviewed after-the-fact seemed too fast for effectively proceeding through each phase of the intercept. On the U.S. side, the MOJ outlined the reporting requirements for CIA officials involved in ABDP, stipulating that if there were evidence that interdiction procedures were not followed, the U.S. would “reevaluate whether Peru has appropriate procedures to protect against the innocent loss

¹¹³ CIA, *Report of Investigation*, 22.

of life.”¹¹⁴ During post-ABDP interviews, U.S. officials confirmed they understood the requirement to monitor compliance of the MOJ procedures.

Following the PD and MOJ, U.S. and FAP personnel met and drafted a document together to synchronize the technical step-by-step instructions for conducting intercepts. Each year, following the annual FAP VI RAT Change of Command, the two countries would revisit and update procedures. However, the only written binational step-by-step procedures that could be found during the investigation of the ABDP were those from 1997 and two documents from 1999. None of these instructions for ABDP crewmembers contained the cautionary requirement set out by the PD and MOJ to perform visual signals. According to one of the U.S. pilots interviewed, this requirement to perform visual signals was dropped from the standard operating procedures in 1996 because the FAP pilots considered them too dangerous.¹¹⁵ This move was contrary to the original U.S. government requirements that permitted the U.S. government to renew an air interdiction program with Peru. While it is apparent that the FAP was never comfortable with the visual signal requirement outlined by the MOJ, it was still mandatory that officials report this deviation in the original standard operating procedures to CIA Headquarters. Moreover, CIA officials recognized this was a persistent problem, but neglected to exercise appropriate accountability. In 1997, the CIA OIC did not sign the FAP’s standard operating procedures (even though ABDP operations continued). However, the CIA OIC did sign on to a new version of FAP standard operating procedures created in 1999, which blatantly disregarded the PD and MOJ requirements.¹¹⁶

¹¹⁴ CIA, *Report of Investigation*, 23.

¹¹⁵ CIA, *Report of Investigation*, 24.

¹¹⁶ See note above.

The first CIA OIC for renewed operations under ABDP in Peru in 1995 explained away the mismatch of U.S.-FAP procedures and the requirements of the PD and MOJ stating that the FAP and ICAO set out different requirements and that “all intercept procedures, to include visual signals such as wing wagging and warning shots, were mandatory for both day and night intercepts, but effective use of procedures depended on many things.”¹¹⁷ Besides the issue concerning the aforementioned tracer rounds not burning long enough to provide effective visual signals to the target aircraft, the suspected aircraft typically flew low, at tree top level, and the FAP interceptors were unable to safely maneuver in front for the wing wagging. The CIA OIC asserted that it was understood that if visual signals could not be successfully accomplished, the FAP interceptor would be required to break contact. However, later testimonies from U.S. and FAP aircrews showed they were unaware of this actual requirement to break off intercepts and not proceed with shootdowns if visual signals could not be conducted.¹¹⁸

During interviews following the 2001 incident, the FAP VI RAT Commander during the period of operations from 1995-1996 explained that FAP interceptors would attempt to make visual contact with target aircraft by flying beside the suspected aircraft and performing maneuvers, such as wing wagging to get the attention of the suspected aircraft. He also mentioned that these maneuvers would not be done at night because it was too dangerous, and instead warning shots would serve as the primary visual warning signals. Furthermore, he claimed that 90 percent of shootdowns occurred at night. However, a video review of the program paints a very different story—11 of the 15 shootdowns occurred during daylight

¹¹⁷ CIA, *Report of Investigation*, 25.

¹¹⁸ See note above.

hours.¹¹⁹ In other words, these statements were false. These patterns of disregard for effective visual signals and warnings, and the rushing of the intercept phases without extra precautions inevitably led to the loss of life in 2001.

CHAPTER 3. Air Bridge Denial Program in Action

3.1. Overview of first 14 Shootdowns

The following section provides a brief overview of the first 14 shootdowns of the ABDP in Peru beginning in 1995 until the Bowers shootdown in 2001. In every single case, there are noted discrepancies and errors, including the failure by the FAP interceptors to perform visual signals, violations in reporting of the program by the U.S. officials, failure of the Peruvian chain of command to authorize the shootdowns, insufficient time to assess the situation and perform all required steps in the protocol, failure to fire warning shots, and interference by the U.S. crew (to assert themselves in the chain of command).¹²⁰ Moreover, according to declassified investigations, despite consistent violations of standard operating procedures for the duration ABDP in Peru, only one deviation during a 1997 shootdown was actually officially reported as problematic during the lifecycle of the program.¹²¹

Following the formal approval for the resumption of the ABDP in Peru at the end of 1994, the first shootdown occurred on May 16, 1995. The first shootdown occurred during daylight hours in the ADIZ against a suspected Cessna narcotrafficking aircraft that according to the FAP carried a “false tailnumber (registration)” actually belonging to a DC-8 aircraft in

¹¹⁹ CIA, *Report of Investigation*, 26

¹²⁰ CIA, *Report of Investigation*, 30.

¹²¹ See note above.

Peru.¹²² The aircraft apparently took evasive maneuvers and was unresponsive to the interceptor. Moreover, according to the CIA report filed on that same day, the FAP A-37 “fully complied with Peruvian laws and international forcedown procedures” stating that the A-37 had been under VI RAT control and made “by-the-book” intercept including following all required steps “ad nauseum.”¹²³

However, the reality is that even this first shutdown was problematic. A review of the videotape years later during the CIA Inspector General investigation, showed that there was no indication of visual signals (as required), no authorization from the FAP ground commanders for the shutdown to take place (a break in the chain of command requirements), and blatant U.S. crew interference in the procedures, with the Citation pilot stating “shoot him down” after warning shots had been fired by the intercepting A-37. The HNR in this case relayed the message from the Citation pilot directly to the A-37, without consulting the VI RAT Commander.¹²⁴ The post-shutdown cables from the CIA OIC in Pucallpa up the chain to the U.S. Congress ended with a message that “FAP made effort to convince target to land. Target evaded. FAP made by book effort (radio, signals, warning shots, etc.) to force compliance.”¹²⁵ The Congressional Notification also stressed that the intercept was in accordance with *PD 95-9*. Thus, misinformed by the officials of ABDP, the U.S. Congress was satisfied that strict MOJ procedures had been followed. Of note, in the post-ABDP investigation, the CIA Inspector General outlines the CIA officials who were responsible for the inaccurate reporting at the time, but their names have been redacted from the report and that information is not publicly available

¹²² CIA, *Report of Investigation*, 35.

¹²³ CIA, *Report of Investigation*, 32.

¹²⁴ CIA, *Report of Investigation*, 31.

¹²⁵ CIA, *Report of Investigation*, 34.

to the knowledge of this author. Thus, even from the first shootdown, the stage was set for a breaking established procedures, and for lying to headquarters and authorities like the U.S. Congress in an effort to promote the successes of the program, in spite of known violations and risky behavior.

The second shootdown occurred the following month on June 23, 1995. This interdiction occurred shortly after sunset, thus only the audio portion of the video is available. In this instance, the official report stated that an aircraft was intercepted at 6:10 p.m. local time with the Citation guiding the FAP Tucano interceptor onto target. The report stated that VI RAT (with HNR relay) had granted permission to perform three passes on the target with radio calls and then two series of warning shots. At 6:37 p.m. permission was granted by the VI RAT to engage and destroy the target (Phase III). At 6:42 p.m. the aircraft was shot down and it crashed. Finally, the report stated that the “suspect was destroyed when it failed to heed all recognized international interception signals” and the CIA official commented that the team “once again” followed established procedures.”¹²⁶ Moreover, the messages up the chain of command from the CIA OIC in Pucallpa stated that performance of all FAP VI RAT parties had been “excellent” with procedures being followed.¹²⁷ U.S. Congress received notification from CIA Headquarters that the CIA officials were “satisfied Peruvian Air Force followed established procedures before firing on the aircraft.”¹²⁸

However, again there were noted violations of protocol once the facts are actually considered. Post-incident review shows that once again visual signals were not performed. The

¹²⁶ CIA, *Report of Investigation*, 42.

¹²⁷ CIA, *Report of Investigation*, 41.

¹²⁸ See note above.

FAP pilot from this shutdown was interviewed after 2001 and also stated that visual signals would have been too dangerous (which became de facto practice, as previously mentioned).¹²⁹ Additionally, there was not a reasonable period of time for the suspect aircraft to respond to warnings. Fewer than two minutes elapsed between the radio and authorization for Phase III, and only five minutes between the radio call and the actual shutdown. Additionally, the Tucano fired warning shots before being authorized to do so, and the HNR gave the orders to the pilot of the Tucano to shoot down the intercepted aircraft before receiving authorization from the ground.¹³⁰

Another month passed before the third shutdown on July 14, 1995. In this instance, the suspected narcotrafficker was detected by the Citation and intercepted just before sunset at 5:50 p.m. local time by an A-37. The report states at 5:53 p.m., the VI RAT confirmed that the aircraft's "tailnumber (registration) did not exist." At 5:55 p.m. local the A-37 fired warning shots, and the target attempted to evade. The official CIA report states "after all international intercept procedures (radio calls and warning shots), under orders from VI RAT Commander, aircraft fired on by A-37 at 6:00 p.m. while trying to evade" and then at 6:03 p.m. the aircraft "makes emergency landing/sinks" in the river.¹³¹ Once again, after the shutdown the CIA officials communicated to the U.S. Embassy, CIA Headquarters, and up to the U.S. Congress that "FAP followed all established procedures."¹³²

However, a review of the video of the third shutdown shows a much different story, again riddled with violations. First, even though the official report stated that the FAP had

¹²⁹ CIA, *Report of Investigation*, 41.

¹³⁰ See note above.

¹³¹ See note above.

¹³² See note above.

checked the registration number of the aircraft and confirmed it as false prior to shutdown, this proved untrue. The target aircraft's registration number was not actually confirmed by the FAP as not being registered until after the order to shoot it down. Moreover, the aircraft had been intercepted randomly, with no previous intelligence to cue the intercept. Once again, no visual signals were performed. Additionally, the target aircraft may have actually tried to communicate with the FAP A-37, since it had turned its lights on and off at regular intervals—one of the international signals for a response. The process was rapid, with little chance for possible reaction from the target (22 seconds elapsed between Phase II warning shots and the order to move to Phase III shutdown—even though the original cable falsely stated it had been four minutes).¹³³ Once again, the HNR ordered the A-37 to perform the shutdown before approval from the VI RAT Commander on the ground. Also, the U.S. Citation crew interjected themselves again in the chain of command, instructing the HNR twice to shoot down the target. After the target crash-landed in the river, and the downed crew was observed swimming away, the Citation pilots instructed the HNR twice that the FAP fighter should strafe the crashed aircraft—a message to the HNR that was relayed to the A-37 in Spanish (“continue to shoot” and then two minutes later at 6:02 p.m. “yes, shoot again” with a response from the HNR of “okay”).¹³⁴ It is unclear if the strafing of the downed aircraft actually occurred, but on the tape the HNR says to the A-37 in Spanish “I understand you hit him again.”¹³⁵ Finally, besides misinforming U.S. authorities again that procedures had been followed, the ABDP CIA officials

¹³³ CIA, *Report of Investigation*, 49.

¹³⁴ CIA, *Report of Investigation*, 46.

¹³⁵ See note above.

lied twice to the U.S. Military Group at the U.S. Embassy in Lima, stating that the HNR had received authorization from the VI RAT Commander, per protocol.

A week later, on July 21, 1995, the fourth shutdown occurred, again around the same hours of operation at dusk, with the target of interest being identified by the Citation as tailnumber registration OB712 at 5:57 p.m. The official original CIA report stated that a Peru FAP attempted to establish radio contact with OB712 at 6:39 p.m., and at 6:46 p.m., under VI RAT orders warning shots were fired. The target attempted to “evade wildly.” Then at 6:50 p.m., again under VI RAT orders the A-37 engaged the target, which then exploded and crashed. Once again it was reported that the intercept “fully followed established Peruvian and international warning procedures and protocols.”¹³⁶ The Congressional Notification stated that the CIA and ABDP officials were “satisfied that the FAP followed all established procedures before firing on the aircraft.”

Of course, later review of the video showed similar errors and deviations again with this shutdown. The U.S. pilots are heard in the tape giving phase engagement instructions to the HNR. Additionally, again the VI RAT Commander is skipped as the HNR instructed the A-37 to proceed with warning shots. Additionally, the HNR is heard asking the Citation pilots if authorization was already given (which the Citation was not allowed to give). Finally, the HNR instructs the A-37 to “proceed to shoot him down” (at the same time that the official report said that warning shots were ordered).¹³⁷ Of note, there are gaps in the video, which make it difficult to assess exactly what other protocols were ignored, although one can assume that visual signals were likely ignored considering the position of the A-37 reported half a mile behind the target of interest. The lack of visual signaling/warning, combined with the HNR not coordinating

¹³⁶ CIA, *Report of Investigation*, 53.

¹³⁷ CIA, *Report of Investigation*, 52.

approval with the VI RAT Command, the U.S. crewmembers inserting themselves into the killchain process, and the falsehoods and misrepresentations in the official cables following the shutdown were quickly becoming standard negative practices.

The next month, on August 17, 1995, the fifth shutdown took place. The target of interest had been acquired in the Nohaya area during the early morning hours based on an intelligence tip from the DEA. The Citation reacquired the target at 6:15 a.m. local time. A video review of that shutdown shows that at 6:23 a.m., the A-37 had acquired the target and the HNR told the A-37 “go ahead, you know the instructions.” At 6:24 a.m., the U.S. Citation pilot told the HNR in English “tell him to shoot” after which the HNR relays the A-37 in Spanish “straight ahead, down.” The A-37 acknowledged by repeating the instructions and added the follow-up question in Spanish “no questions asked?” The Citation co-pilot said “firma, firma” indicating the affirmative. The HNR then told the A-37 to proceed with the shutdown after giving the target of interest one opportunity before the shutdown. The HNR also asked if the A-37 could see any identification number on the target, to which the A-37 pilot said he was not close enough to see the tailnumber. At 6:26 a.m., the Citation pilot instructed the HNR to tell the A-37 to land at Pucallpa, and if the target did not land to “shoot,” another example of the U.S. crew portending to exercise authorities they did not have legally. The HNR then told the A-37 in Spanish “tell him to return back to Pucallpa, if not, you’ll kill him.”¹³⁸ At the same time, the A-37 gave one radio warning to the target aircraft. About thirty seconds later, the A-37 tells the HNR in Spanish that the target “is ignoring me; do I proceed to shoot him down?” Six seconds later, the HNR says in Spanish “go ahead with the procedures then.” At 6:27 a.m., the Citation noted that the A-37 was firing warning shots. After 22 seconds, the A-37 fired on the target of

¹³⁸ CIA, *Report of Investigation*, 57.

interest, without the HNR receiving authorization from the VI RAT Commander. Moreover, only a total of 85 elapsed between the radio warning and the A-37 shutdown of the target, in what appeared to be a rushed process with little opportunity given to the target to respond. And once again, as had become the new normal, the official CIA report stated, “discussions with FAP Command and OIC indicate FAP scrupulously adhered to international and Peruvian protocols.”¹³⁹ However, the facts of the post-incident investigation revealed many of the same, persistent errors and violations in the procedures.

The sixth shutdown under ABDP occurred on November 13, 1995, and followed similar violations in procedures. Once again, the shutdown took place in the early morning hours, this time while it was still dark. Thus, the Citation video only reveals the audio recording of the incident. Initial CIA reporting stated that at 5:25 a.m., a FAP A-37 made contact with the target, a Piper Seneca aircraft. At 5:36 a.m. it was reported that the A-37 gave verbal warnings and fired warning shots after the target aircraft ignored “repeated visual and radio signals.”¹⁴⁰ The CIA then stated that VI RAT Commander authorized the A-37 to fire upon the Piper Seneca aircraft, using force “only as a last resort.”¹⁴¹ At 5:45 a.m., the target was hit by the A-37 and crashed in the Tigre River. However, the reporting continued to ignore the fact that violations were rampant. Again, the intercepting aircraft failed to provide visual warnings (resorting to the rationale regarding safety during periods of darkness) and there was again a lack of reasonable time for the suspected target aircraft to respond – the A-37 gave verbal warnings at the same time as firing warning shots. Additionally, the authorization to engage had apparently been given by the VI RAT Commander 30 minutes before the warnings were even given, as a sort of

¹³⁹ CIA, *Report of Investigation*, 56.

¹⁴⁰ CIA, *Report of Investigation*, 62.

¹⁴¹ See note above.

blanket authorization to proceed with the intercept. The subsequent CIA cables contained conflicting information and timelines, and should have alerted Headquarters regarding the violations.

Two weeks later, on November 27, 1995, the seventh shutdown was conducted during daylight hours, on a mission that began as a training exercise for the Citation and two FAP A-37 aircraft. During the training mission, a civilian plane was detected by ground-based radar at Pucallpa and relayed to the airborne assets. At 10:40 a.m., the VI RAT gave authorization to warn the intercepted civilian aircraft to divert to Pucallpa. According to the official CIA cable, the warning caused the target to take evasive action, and at 10:58 a.m., the target was hit by A-37 gunfire and crashed. The report, shorter and less sure in its confirmation that procedures were followed than as stated in previous ones, claims the target aircraft was “given the usual warnings—radio calls and warning shots—before being shot down by the FAP.”¹⁴² However, the video highlights that there was no reasonable identification of the aircraft or intelligence to support it as a narcotrafficker. Additionally, after the shutdown it was not even confirmed if the aircraft had been carrying narcotics. It could have potentially just been flying in the wrong region at the wrong time. Of course there were no visual signals given, as had become standard practice. Also, while the post-event report and cable states that warning shots were fired, there is no actual proof on the video that this occurred. Nor is there audio reference to warning shots, nor evidence that tracer rounds were actually fired. And finally, there is no indication that the HNR ever received or gave the order to shoot down the target aircraft. Instead, the video and audio suggest that the backup A-37 (in other words, the interceptor’s wingman) gave the order to fire. Of note, the HNR for this mission told CIA investigators after 2001 that there was a blanket authorization for the shutdown, even before the mission began. Therefore, authorization was

¹⁴² CIA, *Report of Investigation*, 65.

already granted with no further permission necessary.¹⁴³ Regardless, it appeared that the U.S. and FAP authorities had different understanding and definitions of what the ABDP procedures entailed, including the requirement for visual signals or for shootdown authorization from the VI RAT Commander during the mission itself.

Approximately eight months passed before the eighth shootdown, on July 8, 1996. An aircraft was detected during daylight hours flying without a tail number. Again, the target aircraft was reported taking evasive maneuvers, flying low at tree top level, and heading for the Brazilian border. The official cable on the day of the intercept stated “in compliance with Peruvian and international law, VI RAT Commander directed A-37 to take necessary action to force violator to comply with orders. A-37 fired on violator aircraft, apparently hitting the right engine.”¹⁴⁴ Upon review, again there were no visual signals, no indication of warning shots actually given, and a lack of adequate time for the suspect target aircraft to respond (two minutes elapsed between the radio warning and the time of attack on the target). The video also does not support the report’s claims that the VI RAT Commander directed the A-37 to take action.¹⁴⁵

The next shootdown, the ninth, was on March 23, 1997. At the 5:56 p.m., the Citation relayed the suspect target’s position to an A-37. Three minutes later, the A-37 attempted to communicate with the aircraft, asking it to land, but to no avail. At 5:59 p.m., warning shots were fired and at 6:02 p.m., the official report stated that the VI RAT provided Phase III authorization for shootdown. At 6:05 p.m., the A-37 engaged and shot down what was reported to be a narcotrafficking aircraft after “following proper procedures.” U.S. Congressional

¹⁴³ CIA, *Report of Investigation*, 65.

¹⁴⁴ CIA, *Report of Investigation*, 68.

¹⁴⁵ See note above.

Notification messaging echoed this report, following the standard line of “in accordance with proper procedure.”¹⁴⁶ Of course, the video again paints a different narrative. The A-37 did not provide visual signals, there is no indication of warning shots (only a radio warning), the HNR requested Phases II and III before the target had been positively identified, and the A-37 pilot asked the HNR for authorization to shoot down the target. The HNR provided the requested authorization, again without a formal shutdown order from the VI RAT.

Later that year, on August 4, 1997, the tenth shutdown also presented multiple violations of intercept procedures. At 5:54 p.m., the VI RAT asked the Citation if it had identified the tailnumber of the target of interest, with the U.S. co-pilot stating “negative, we’re not gonna try to close to get the tail number because we don’t want to alert him.” At 5:58 p.m., the VI RAT Commander gave the HNR instructions in Spanish to move to “Phase I and Phase II” and to try to get the target to land. The A-37 arrived on target at 6:37 p.m., with limited visibility during dusk, and having noted that he is low on fuel and will have to return to base soon. The HNR then instructed the A-37 to move to Phase I and Phase II. At 6:38 p.m. the A-37 gave a radio warning to the target of interest. The A-37 pilot reported no response to the radio warning, and HNR confirmed that Phase II is complete (even though warning shots were not observed on video, nor by the Citation crew). The VI RAT Commander authorized Phase III at 6:39 p.m., which is relayed by the HNR to the A-37. During this time, the Citation crew also remarked they are “six minutes from Brazil,” indicating that the target was flying toward the border. At 6:40 p.m. the A-37 fired on the target, damaging it and forcing it to crash in the jungle at 6:41 p.m. Once again the formal report stated, “all international warning procedures

¹⁴⁶ CIA, *Report of Investigation*, 73.

were complied with prior to the VI RAT Commander giving the order to shoot down the narco-aircraft.”¹⁴⁷

After the reporting of this incident, CIA Headquarters questioned the fact that only a few minutes elapsed between radio warning and shootdown, and asked CIA officials in Peru for clarification regarding the adherence to required procedures and the details of the shootdown. On August 5, Headquarters sent a cable to Peru and asked about “possible gaps in established procedures.” Moreover, Headquarters was concerned that the radio frequency used to provide the warning call was not one of the recognized international distress signal frequencies. The Headquarters cable suggested it was likely the target aircraft never heard the warning, and wanted subsequent reporting to be “full and complete.”¹⁴⁸ The CIA ABDP officials in Peru responded rapidly to Headquarters stating: “All of us who work the Airbridge Denial Program (U.S. and Peruvian) understand and rigorously enforce compliance with all international procedures that must be followed prior to any use of force. That is a given in the work that is done here.”¹⁴⁹ Agency Headquarters promptly thanked the officials in Peru for their hard work and mentioned that ABDP had become a highlight of the U.S. counternarcotics program.¹⁵⁰

Shortly thereafter, on August 17, 1997, ABDP in Peru reported its eleventh shootdown, which sounded a sort of an alarm within the U.S. chain of command and spurred a review of the program’s procedures in Peru. For the first time, the CIA officials advised in their report that there had been “possibly numerous violations of intercept procedures.” According to the U.S. officials, the FAP had given no radio warnings or warning shots before engaging the target

¹⁴⁷ CIA, *Report of Investigation*, 79.

¹⁴⁸ CIA, *Report of Investigation*, 76.

¹⁴⁹ CIA, *Report of Investigation*, 77.

¹⁵⁰ See note above.

aircraft. Early in the morning on August 17, the Citation had detected an aircraft whose behavior fit the intelligence at hand, and previous intercepts. In interviews following the accident, the HNR said he followed the standard written script to request authorization from the VI RAT Commander when the target aircraft took evasive maneuvers and warning shots were requested, but was surprised when the VI RAT Commander replied “proceed to Phase III and neutralize it.”¹⁵¹ This use of the new language “neutralize” apparently alarmed the HNR, as it was not standard terminology in the intercept script. The HNR passed the shutdown command to the Tucano pilot, and the target was shot down. However, the U.S. CIA OIC at the time told a different story, stating that Phases I and II were not authorized by the VI RAT Commander. Moreover, the command was for the Tucano to “neutralize” the target on the ground after it had landed.¹⁵² During the intercept, there were numerous violations, including no identification of the suspect plane before the request by the HNR for Phases I and II, no attempted radio warning, no attempted visual warning, no authorization from the VI RAT Commander for Phases I and II (along with the atypical “neutralize” language). As mentioned, the procedures to attack the target raised alarm, including in the notification to the U.S. Congress. In the CIA’s cable regarding the event on August 21, the OIC reported that “to the best of our understanding, this is a deviation from established procedures for ground strafing...the Tucano pilot apparently strafed the target aircraft on the ground per VI RAT Commander’s orders and advised this fact over the radio (VHF)...”¹⁵³

¹⁵¹ CIA, *Report of Investigation*, 83.

¹⁵² See note above.

¹⁵³ CIA, *Report of Investigation*, 84.

Upon further review at the Embassy in Lima, it was concluded that the suspected plane was in fact a narcotrafficker, the shutdown occurred because of failure by the VI RAT Commander to use familiar terminology, there was miscommunication between the HNR and the Tucano pilot, and the Tucano pilot failed to follow established procedures. While acknowledging the violations, the U.S. Ambassador determined there was not a need to address the issue beyond the specific VI RAT Commander and in country team.¹⁵⁴ Moreover, while the CIA reported the violations during this specific shutdown, they also said the August 17 shutdown had been “a unique exception to normal operations” and the “sole deviation known to have occurred in the history of the program,” which as this review and investigation has shown by now is simply false.¹⁵⁵ Internal CIA emails also show that “everyone was concerned about the possibility of the shutdown program ending because procedures were not followed.”¹⁵⁶ As a result of the heightened sensitivity, there appeared to even be attempted cover-up of the deviations from the August 17 shutdown.

In September 1997, CIA Headquarters officers traveled to Peru to assess ABDP and officials met with U.S. and Peruvian participants in the program. During the visit, the CIA program lead said she was not informed the FAP was not performing visual signals during ABDP (as had been the case for more than two years since the first shutdown). Moreover, when the CIA program chief met with the VI RAT Commander, apparently she stressed the requirement to conduct visual signals, and that “all procedures had to be followed to ensure against the loss of innocent life, that the primary objective of the ABDP was force down and

¹⁵⁴ CIA, *Report of Investigation*, 86.

¹⁵⁵ CIA, *Report of Investigation*, 84.

¹⁵⁶ See note above.

prosecution, and that shutdown was a last resort.”¹⁵⁷ Also, the CIA visitors explained concern for the program and that ABDP would be shut down if intercept procedures were not followed. A formal Congressional Notification was made in October 1997 following the CIA’s visit to Peru to look at the deviations in procedure. The notification reiterated that this had been the only deviation in the program so far since inception, and that corrective measures would be taken. Moving forward, the U.S. Embassy in Lima established a country team review for all future shutdowns, but no changes were made to the actual conduct or procedures of the intercepts, and the patterns continued.¹⁵⁸

Even while the previous shutdown was being presented to Congress and the U.S. National Security Council as a “unique case,” the twelfth shutdown happened on October 6, 1997. The intercept took place at night near a narco-trafficking airstrip, with an A-37 shooting down a suspect trafficker. However, many of the same deviations noted in previous shutdowns occurred again—there was no positive identification of the target aircraft as a narco-trafficker, no visual warnings, only one attempted radio warning, no indication of warning shots, and phases being order before authorization (the HNR told the A-37 to proceed to Phase II... then asked VI RAT for authorization. This happened again with Phase III).¹⁵⁹ Also, once again the shutdown was rushed, with only 76 seconds elapsing between first sighting of the target by the A-37 and the shutdown order. The CIA team in Peru reported, as they had before, that, “all intercept procedures were followed to the letter.”¹⁶⁰ This is alarming, considering the outcry and

¹⁵⁷ CIA, *Report of Investigation*, 90.

¹⁵⁸ CIA, *Report of Investigation*, 93.

¹⁵⁹ The FAP pilots interviewed for the CIA report said it was common knowledge that visual signals would not take place at night because one cannot see a wing waggle at night, and turning on the lights of the plane, the other accepted visual signal, would blind the pilots who were using night vision goggles to see the target aircraft (CIA, *Report of Investigation*, 102).

investigation of the previous shootdown from just two months earlier, and the ongoing notifications to U.S. Congress and the attention on the program and required and reiterated procedures.

The next week, on October 12, 1997, the thirteenth shootdown took place. Once again there are violations that can be observed by a review of the video, including warning shots being fired before the target aircraft's registration was confirmed, lack of evasive maneuvers by the target aircraft, no visual signals, and no evidence of warning shots on video (which may have been due to the daylight and difficulty seeing tracer rounds).¹⁶¹ Despite the repeated violations, once again, perhaps coming as no surprise, the CIA report stated the "required intercept procedures" were completed.

After the two shootdowns in October 1997, no shootdowns took place for approximately two and a half years. Why was this the case? While the official record does not provide explicit details why the governments assessed this to be the case (the ABDP continued to remain operational and in place), a logical explanation seems to be that narcotraffickers were simply flying far less compared to pre-ABDP levels. In other words, ABDP was actually working effectively as a deterrent, or at least likely contributing, and interrupting trafficking routes and methods. For example, in April 2000, the Institute for Defense Analysis for the DoD released a study called *Deterrence Effects and Peru's Force-Down/Shoot-Down Policy: Lessons Learned for Counter-Cocaine Interdiction Operations* and concluded that interdiction rates of the trafficking flights in Peru deterred air trafficking to less than ten percent of its pre-1995 levels.¹⁶²

¹⁶⁰ CIA, *Report of Investigation*, 94.

¹⁶¹ The FAP co-pilot for the mission told the CIA investigation that visual signals were done at a distance due to weather during the flight. The HNR told the investigators that pilots never did visual signals before the shootdowns because "doing those things is crazy and dangerous" (CIA, *Report of Investigation*, 101).

¹⁶² U.S. SSCI, *Review of United States Assistance*, 8.

Paired with other coca eradication efforts from the GOP, coca cultivation in Peru also decreased from an estimated 115,300 hectares in 1995 to fewer than 35,000 hectares in 2000.¹⁶³ While ABDP alone cannot be credited for the huge decrease during those years, it likely had a contributing effect in Peru, and forced narcotraffickers to find new methods of transports (by boat, for example), and different trafficking routes.

Meanwhile, ABDP did not seem to have the same deterrent effect for coca production in Colombia. For example, during the same time period, from 1995 and 2000, Colombia actually experienced a substantial increase in coca cultivation, from approximately 51,000 hectares to more than 135,000 hectares.¹⁶⁴ While this thesis will remain focused on the topic of ABDP in Peru, the difference with Colombia might have been due to limited government eradication efforts and influence in territory controlled by the FARC and ELN, for example. The inverse in production rates between the two countries during that time period also meant that Colombian narcotraffickers needed Peruvian coca paste far less than before if there was an increase in homegrown coca supply. Regardless, it appeared, at least for Peru, narcotrafficker flight rates decreased during ABDP, and this meant fewer opportunities for shootdowns.

Of note, during the lull in shootdowns there were new standard operating procedures written for ABDP in Peru in 1999 to emphasize safety of flight following a near collision of a FAP aircraft and the U.S. Citation in February 1999 when the two aircraft briefly touched in the air.¹⁶⁵ There were no reported damages, but it caused a reevaluation of safety. Of note,

¹⁶³ U.S. SSCI, *Review of United States Assistance*, 9.

¹⁶⁴ See note above.

¹⁶⁵ CIA, *Report of Investigation*, 27 and 219.

references to visual signals were omitted from the 1999 standard operating procedures (this requirement had already been removed from the 1997 standard operating procedures as well).¹⁶⁶

The fourteenth and penultimate shutdown happened on July 17, 2000, during daylight hours beginning at 11:21 a.m. with the shutdown by a FAP Tucano at 11:39 a.m. Once again, a post-event analysis shows the usual string of procedural violations including failure to identify the suspect aircraft, no visual signals, no evidence of warning shots, and lack of responsible time for the suspect plane to respond—just 45 seconds passed between authorization for Phase I and Phase II—which would not be enough time for visual warning signals. Further, fewer than two minutes passed in total between the authorizations of Phases I and III for shutdown. In this instance, the U.S. crew also intervened in the chain of command, which was not authorized, as they continued to direct the HNR to seek authorization to move to the next Phase. The CIA cables following the shutdown said “all intercept steps were taken” and “established procedures were correctly followed... The aircrews quickly, efficiently, and correctly complied with all Phases of the rules of engagement.”¹⁶⁷ Once again, procedures were shaky at best, and it is as if the CIA and FAP had learned nothing during the five years of the program about taking all necessary measures to prevent loss of life. The next shutdown would mean the end of ABDP in Peru.

3.2. The Critical Event – Missionary Plane shot down on April 20, 2001

So how did the events unfold during the April 20, 2001, shutdown of the Association of Baptists for World Evangelism (ABWE) Cessna floatplane, tail number OB-1408, that was

¹⁶⁶ CIA, *Report of Investigation*, 28.

¹⁶⁷ CIA, *Report of Investigation*, 108.

piloted by Kevin Donaldson and carrying the Bowers family? And most importantly what went wrong? The following section examines the timeline of events of the fifteenth and final intercept and shutdown in Peru under ABDP, while examining critical moments of failure in adherence to protocol and communication problems. Most importantly, the fifteenth shutdown was the culmination and climax of a program in Peru that suffered a historic pattern of errors and flaws since its inception—patterns already established during the first fourteen shutdowns.

First, the events leading to the fateful shutdown on April 20 really physically began with the flight preparation procedures by the pilot of the missionary aircraft, Kevin Donaldson, on April 17. On that day, Donaldson faxed a notification to the Peruvian Ministry of Transportation and Communication in Lima of his planned flight from Iquitos, Peru to Islandia, a Peruvian town by the tri-border area of Peru, Colombia, and Brazil.¹⁶⁸ Based on interviews with Donaldson, and the missionary Jim Bowers, the stated purpose of the trip was to travel to Leticia, Colombia, to the U.S. Consulate there in order for the ABWE missionaries, the Bowers family, to obtain a Peruvian residency visa for their newly adopted seven month old daughter, Charity. Also along for the trip was the Bowers' six-year-old son, Cory. The flight plan submitted by Donaldson, including the requirement for the ABWE aircraft to stay near Leticia overnight on April 19, followed Peruvian law.¹⁶⁹

Kevin Donaldson had flown in Peru as a missionary pilot since 1989, and had flown that specific ABWE floatplane since 1995. He was also familiar with the Islandia to Iquitos flight, having taken the route before.¹⁷⁰ Prior to this specific flight in April 2001, Donaldson had also

¹⁶⁸ U.S. SSCI, *Review of United States Assistance*, 15.

¹⁶⁹ See note above.

¹⁷⁰ U.S. SSCI, *Review of United States Assistance*, 19.

undergone the required annual Peruvian pilot recertification process less than two months earlier. Of note, during that specific recertification process, there was no mention of the prohibited ADIZ, nor the Peruvian policy of shooting down suspected narco-trafficking aircraft.¹⁷¹ However, after the fact, Donaldson stated that he was vaguely aware that such a policy existed and knew from first hand experience that U.S. personnel flew a Citation in the area for a counternarcotics mission. He stated during an interview with the U.S. government that he recalled being trailed by the Citation on a previous flight, although Peruvian aircraft had not intercepted him during that event.¹⁷²

As required by Peruvian law, Donaldson's standard procedures involved faxing a copy of his flight plan from his home to the AIS-AERO office at Iquitos airport. He attempted to do this on April 18, but was unable to send the fax. Instead, he contacted the Iquitos airport AIS-AERO office by phone and orally relayed the flight plan for the trip, which in accordance with Peruvian procedures was an acceptable form of filing a flight plan.¹⁷³ On April 19, he contacted the Iquitos airport via VHF radio and was cleared for takeoff with the four members of the Bowers family on board. He stayed in contact with the Iquitos tower for about fifty miles, which was close to the limit for the tower's VHF radio transmission range. Once outside of the Iquitos tower's VHF radio range, Donaldson switched to a HF frequency to have contact with his wife at home in case of an in-flight emergency over the jungle, which was mostly outside of Peruvian air traffic control range. By all accounts, the April 19 flight to Islandia was uneventful. The Bowers family successfully crossed into Leticia, Colombia that day and accomplished the required visa paperwork for their daughter Charity, as planned. The return flight, however, seemed doomed

¹⁷¹ U.S. SSCI, *Review of United States Assistance*, 19.

¹⁷² U.S. SSCI, *Review of United States Assistance*, 19-20.

¹⁷³ See note above.

from the beginning in a series of events that fault both repeated failures in ABDP by officials from both the U.S. and Peru, combined with the perfect storm of weather and miscommunication problems.

On the morning of April 20, Donaldson and the Bowers family prepared to depart in OB-1408 for their return flight to Iquitos. According to an interview with Donaldson, he became worried about weather and its possible impact on flight conditions.¹⁷⁴ The flight took off at 9:39 a.m. local time, but Donaldson initially kept the aircraft low at approximately 1,000 feet due to the cloud cover.¹⁷⁵ Because of the low altitude and weather, Donaldson was unable to contact the Leticia airport on his VHF radio, which essentially failed to trigger an active return flight plan for OB-1408 – a key factor that would later prove fatal.

Kevin Donaldson eventually climbed to 4,000 feet to clear the weather and switched to the HF radio to attempt to call his wife but was unable to make contact due to what he called technical difficulties. Per his standard procedures for personnel safety and emergency contact with his wife, he left his radio on HF—another important tragic twist of irony and foreboding. Upon takeoff, OB-1408 briefly flew into Brazilian airspace, as is common for flights out of Islandia due to the proximity to the border. That means that after takeoff, OB-1408 would have to turn back toward Peru to continue its flight. Donaldson then flew to the convergence of the Javari and Amazon Rivers before turning north toward the Peruvian town of Caballococha. At this point the flight turned east and followed the river toward Iquitos. This flight path allowed Donaldson to maintain proximity to the river in case of an emergency landing.

Meanwhile, at approximately 9:00 a.m., the CIA Citation tracker aircraft had already taken off to conduct a counternarcotics patrol mission. Based on a post-event review of operating

¹⁷⁴ U.S. SSCI, *Review of United States Assistance*, 19.

¹⁷⁵ U.S. State Department, *Peru Investigation Report*, 6.

procedures, training slides, witness interviews, and site visits, as was standard practice at the time, the Citation crew was composed of two pilots (both U.S. citizens), a mechanic and sensor operator (also both U.S. citizens) and the FAP host nation rider (HNR) who was meant to be a specialist in air defense.¹⁷⁶ The Citation went to patrol the Caballococha area based on earlier Peruvian intelligence reports from the past two weeks that indicated possible narco trafficking flights in that area.¹⁷⁷ Of note, on April 19, the day before, the Citation had detected a twin-engine floatplane in the same zone by the tri-border that fit the flight pattern associated with narco trafficking aircraft.¹⁷⁸ While previous intelligence and observation by the CIA and FAP would suggest that narco trafficking was indeed likely in this area, the CIA investigation in 2008 makes it clear that ultimately there was “no intelligence indicating the presence of a narco traffickers;” that is to say, further analysis shows the cuing intelligence was certainly not conclusive.¹⁷⁹

At approximately 9:40 a.m., the Citation detected OB-1408 by the Peru-Brazil border, heading toward Peruvian airspace, which was not recognized as being OB-1408’s immediate turn following take-off from Islandia – common practice from that flight origin. The Citation considered OB-1408 to be an “aircraft of interest” and proceeded to approach the Cessna from

¹⁷⁶ Some U.S. government documents, particularly the DoS report, refer to the Host Nation Rider (HNR) on board the surveillance aircraft as the Host Country Rider (HCR); for purposes of this paper, HNR will be used instead, as the crew position is exactly the same, especially considering the most recent government publication on the program, the 2008 CIA investigation report, call the position the HNR.

¹⁷⁷ U.S. State Department, *Peru Investigation Report*, 6.

¹⁷⁸ See note 162 above.

¹⁷⁹ CIA, *Report of Investigation*, 114.

behind and position itself 1.5 miles back while attempting to positively identify the aircraft.¹⁸⁰

The Citation continued to monitor the aircraft.

At 9:57 a.m., after some observation, the Citation pilots decided to not approach OB-1408 any closer in order to visually acquire the aircraft's registration number on the tail, worrying that a closer approach may alert the OB-1408 and cause it to escape into Brazilian airspace, thus prohibiting further pursuit. On the video (screenshot below) the Citation pilot is heard saying "you know, we can go up and attempt the tail number, but the problem with that: if he is dirty and he detects us, he makes a right turn immediately and we can't chase him."¹⁸¹

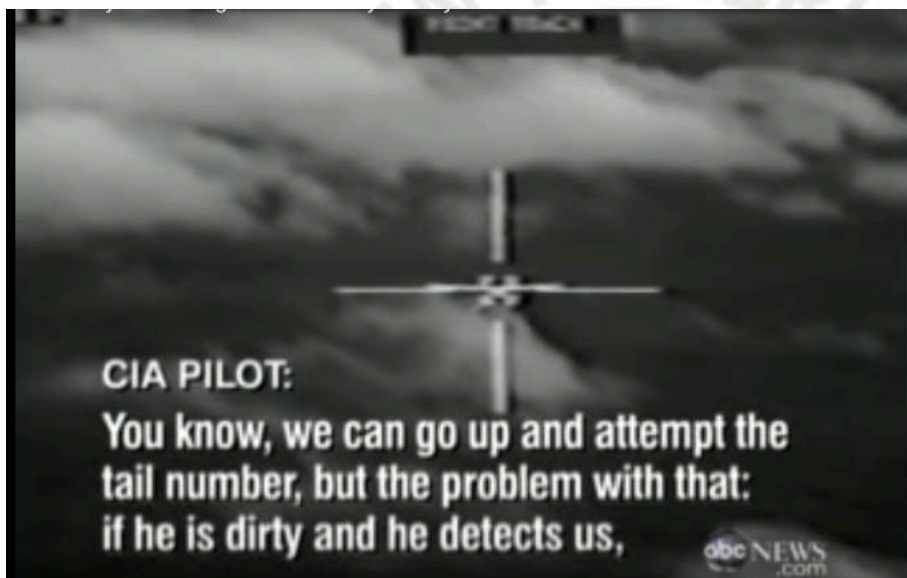


Figure 6: 09:57 a.m., Citation pilot talking to HNR, not wanting to approach OB-1408 to visually identify it fearing it will flee (screenshot from CIA Citation video obtained by ABC News).¹⁸²

¹⁸⁰ See note above.

¹⁸¹ *ABC News Nightline*, "CIA Video of Missionary Plane Shootdown," *ABC News*, February 3, 2010, <https://abcnews.go.com/International/video/cia-shoots-missionary-plane-9733289>

¹⁸² *ABC News Nightline*, "CIA Video of Missionary Plane Shootdown," *ABC News*, February 3, 2010.

Meanwhile, after being alerted by the HNR, the FAP Officer in Command at the VI RAT Post in Pucallpa consulted with the National Air Defense Information Center in Lima, the Aircraft Control Center of Air Group No. 42 that maintains liaison authority with the Iquitos control tower, and the Santa Clara FAP Base located at the Iquitos airport, and also with Air Group No. 3, in order to rule out the track as another authorized FAP aircraft in the zone. The IV/RAT Command Post then relayed back to the Citation's HNR that based on data available there was no recorded flight plan for an aircraft in that area. Thus, OB-1408 was designated a "suspect aircraft."¹⁸³ At approximately 10 a.m., during the identification process, personnel at the Santa Clara FAP base in Iquitos asked the Iquitos control tower for specific information about OB-1408, since it was known that the aircraft had departed a day earlier for an overnight trip to Islandia. However, the Iquitos control tower had no further information regarding OB-1408, and assumed that the aircraft was still in Islandia. Of note, this conversation regarding the questioning of the whereabouts of OB-1408 was not relayed back to the VI RAT Command Center in Pucallpa.

At 10:01 a.m., the HNR told the Citation pilots that he believed it necessary for a FAP A-37 interceptor aircraft to be launched from Iquitos, and the U.S. pilots agreed. The HNR gave the FAP Officer in Command at VI RAT the coordinates of the suspect aircraft, OB-1408, and the FAP Command General at VI RAT approved of the launching of the interceptor. The A-37 launch approval was relayed back to the Citation at 10:05 a.m. Also, as part of mission control procedures, the Citation pilots reported the aircraft data of the suspect aircraft to the U.S. Joint Interagency Task Force – East (JIATF-E) in Key West, Florida, which monitored U.S. mission activity. The suspect aircraft coordinates were also relayed to the U.S. Coordinating Officer at

¹⁸³ U.S. State Department, *Peru Investigation Report*, 6.

the VI RAT Command Post. Simultaneously, the HNR asked the Citation pilot to describe the suspect aircraft for the VI RAT Command Post, and the pilot described the aircraft (in English) as a “high-wing aircraft, single-engine, with floats.”¹⁸⁴ The Citation pilot provided the same information to the U.S. Coordinating Officer at the VI RAT. However, when the HNR on the Citation relayed the information to the FAP Officer in Command in Pucallpa he incorrectly described the aircraft (in Spanish) based on the image displayed on the Citation console as a “twin-engine, light plane, Twin Otter type, with the capacity for water landings and white in color.” He also made note that he had not seen the registration number of the suspect aircraft. Of note, the HNR’s description of the aircraft as having two engines was not corrected by the other members of the Citation’s crew, indicating that the crew did not clearly understand the Spanish message, or simply that they were not paying attention to the HNR communications.

The Citation pilot reported to the U.S. Coordinating Officer at the VI RAT that the detected aircraft “detoured two or three miles toward Brazilian territory for approximately ten minutes before re-entering Peruvian airspace.” Once again, this could later be explained after the incident as a standard route for Donaldson’s OB-1408 after takeoff from Islandia, Peru by the Brazil border. At 10:08 a.m., the U.S. Coordinating Officer, who was assigned to be adjacent and coordinate with the FAP officers at the VI RAT Command Post, asked the Citation pilots if they knew of communication between the FAP officers and the Command Officer of the VI RAT, indicating a lack of direct coordination or communication between the U.S. Coordinating Officer and the Peruvian FAP at VI RAT. The Citation pilot relayed that he did not have that information regarding the internal Peruvian communication flow, further indicating the lack of communication and interface between the personnel of each nation. At 10:13 a.m., the Citation pilot told the co-pilot on an internal channel, that Phases I and II would not be done unless the

¹⁸⁴ U.S. State Department, *Peru Investigation Report*, 7.

detected aircraft took evasive action. The pilot also relayed to the sensor operator operating the radar onboard that he would stay behind the suspect aircraft and that it could be a “legal flight,” but he was unsure why the aircraft had been in Brazilian airspace. The CIA pilot stated to the HNR in English that “see, I don’t know if this is bandito or if it’s amigo, okay?” with a response from the HNR of acknowledgement (reply being “okay”) and a follow-up of “no sé” meaning “I do not know,” with another acknowledgement of “okay” from the HNR.¹⁸⁵ The pilot then suggested to the HNR (again in English) that after conducting Phase I, they should follow the suspect aircraft to whether they could get it to land in Iquitos to check identity, before firing any weapons. According to the investigation, the HNR did not understand this message from the pilot in English, demonstrating the communication barrier among the crew.¹⁸⁶

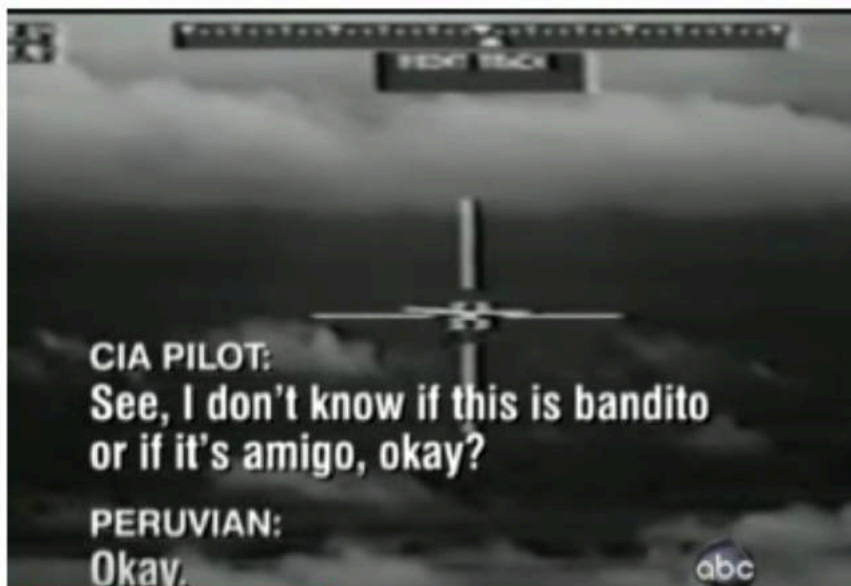


Figure 7: 10:13 a.m., Citation pilot expressing uncertainty about identifying OB-1408 as a narcotrafficker (screenshot from CIA Citation video obtained by *ABC News*).¹⁸⁷

¹⁸⁵ *ABC News Nightline*, “CIA Video of Missionary Plane Shootdown,” *ABC News*, February 3, 2010, <https://abcnews.go.com/International/video/cia-shoots-missionary-plane-9733289>.

¹⁸⁶ U.S. State Department, *Peru Investigation Report*, 7.

¹⁸⁷ *ABC News Nightline*, “CIA Video of Missionary Plane Shootdown.”



Figure 8: 10:13 a.m., Citation pilot unsure of OB-1408's identity (screenshot from CIA Citation video obtained by *ABC News*).¹⁸⁸

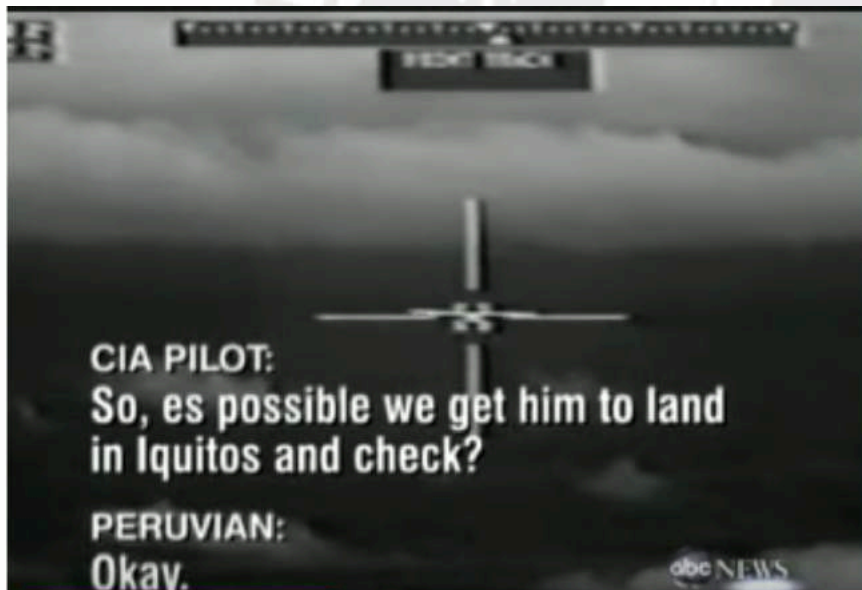


Figure 9: 10:13 a.m., Citation pilot talking to HNR in a broken Spanish-English mix about attempting to identify OB-1408 (screenshot from CIA Citation video obtained by *ABC News*).¹⁸⁹

¹⁸⁸ *ABC News Nightline*, "CIA Video."

¹⁸⁹ See note above.

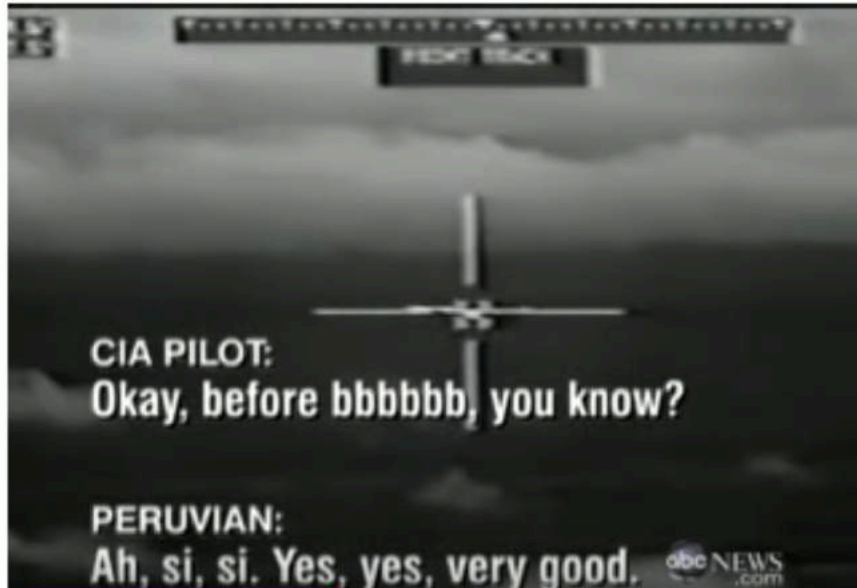


Figure 10: 10:13 a.m., Citation pilot talking to HNR about attempting to identify OB-1408 before Phase III shutdown procedures (screenshot from CIA Citation video obtained by *ABC News*).¹⁹⁰

At 10:17 a.m., the Citation pilot told the co-pilot, again on internal aircraft communications, that the detected aircraft “did not fit the profile” of a narcotrafficking aircraft because it was flying too high. He proceeded to then tell the co-pilot and crew that he would leave the identification up to the A-37. However, none of these comments (in English) were addressed specifically to the Peruvian HNR.

¹⁹⁰ *ABC News Nightline*, “CIA Video.”



Figure 11: 10:17 a.m., Citation pilots expressing doubt about OB-1408 as a narcotraffickers based on its flight profile (screenshot from CIA Citation video obtained by *ABC News*).¹⁹¹

At 10:24, the Citation pilot asked the HNR, in English, to request more information from the VI RAT command post about the suspected aircraft's flight plan. The answer back from the HNR to the Citation pilot was that OB-1408 did not have a flight plan. A few minutes earlier, at 10:20 a.m., the FAP A-37 interceptor aircraft had taken off from Iquitos and made radio contact with the Citation and the A-37 first sighted OB-1408 by 10:35 a.m.¹⁹² At 10:36 a.m. the HNR on the Citation began to issue three VHF radio warnings meant for Donaldson's OB-1408, beginning with the Iquitos control tower frequency of 124.1 MHz, then on an emergency frequency 121.5 MHz, and finally on 126.9 MHz, the designated enroute frequency noted in the ABDP standard procedures. However, at this time, Donaldson's radio was still tuned to HF for

¹⁹¹ *ABC News Nightline*, "CIA Video."

¹⁹² Of note, the specific timestamps initially reported by the U.S. State Department and Congressional reports vary from the final CIA internal investigation published seven years later in 2008. For purposes of this paper, when there is a discrepancy in timeline reporting from the various agencies that cannot be determined from publicly available information, the times reported in the CIA investigation will be used, considering it is the most recent official government reporting and was a more thorough investigation than the initial reports that came out shortly after the 2001 shutdown.

communication to his wife and he did not hear any warnings. As a result, the missionary plane maintained its flight heading with no reaction or response to the warnings. Of note, the final frequencies used as a warning had been retired from service by the Peruvian civil aviation authorities about four years before the shutdown. Despite this, the ABDPs standard operating procedures still listed this retired/useless frequency as one of the contact frequencies – which further highlights a flaw in the program, especially considering the gravity of positive identification prior to engagement.¹⁹³ While this would not have made a difference in Donaldson’s case, considering he was tuned to HF, it could have affected a different aircraft that would not have used this out of date VHF emergency frequency, and reinforces the dangers of ABDP’s errors.

At the 10:38 a.m., the A-37 was able to visually obtain the registration number of OB-1408. During Phase I, the A-37 pilots had also reported three times that OB-1408 was reducing its speed and making “S-shaped” turns and flying toward a rain front which would suggest an evasive action associated with a possible narcotrafficker. However, post-event analysis and interviews with the pilots, including with Donaldson, highlighted that OB-1408’s flight path continued to be generally westerly, into Peru, and the “S-turns” followed the path of the river, which fit the profile of a floatplane’s safety measures in case an emergency landing was required. Nor had Donaldson apparently noticed the rain front, he was simply continuing to follow the path of the river toward Iquitos.¹⁹⁴ Moreover, OB-1408 was not flying out of the country in the direction of Brazil, as would be expected from a suspicious aircraft.¹⁹⁵ The HNR

¹⁹³ CIA, *Report of Investigation*, 115.

¹⁹⁴ U.S. State Department, *Peru Investigation Report*, 10.

¹⁹⁵ U.S. State Department, *Peru Investigation Report*, 8.

informed the FAP OIC that Phase I had been completed with positive identification, and that Phase II would be implemented. The HNR then ordered the A-37 to proceed with warning shots at 10:39 a.m. The A-37 fired warning shots from the right rear and parallel to the direction of the intercepted aircraft, firing at least two bursts of tracer ammunition. However, fourteen seconds later the A-37 reported that the missionary plane did not respond to the warning shots, and eight seconds later the A-37 pilot requested Phase III approval for the shutdown.¹⁹⁶ This lack of reaction from Donaldson and OB-1408 was likely due to the different speeds of the Cessna floatplane and A-37 and its effect on the trajectory of the warning shots. The missionary aircraft was flying at low speed of 115 knots, while the A-37 was flying at its minimum (or stall) speed of 130 knots, attempting to maintain its position behind OB-1408. This meant, that the A-37 had to maneuver with its nose pointing up. This also means that the warning shots were angled up, and followed a trajectory away from OB-1408, thus not noted by Donaldson.



Figure 12: 10:40 a.m., FAP HNR asking Citation pilots about Phase III authorization (screenshot from CIA Citation video obtained by *ABC News*).¹⁹⁷

¹⁹⁶ See note above.

¹⁹⁷ *ABC News Nightline*, "CIA Video."



Figure 13: 10:40 a.m., FAP HNR expressing confidence in identity of OB-1408 as a narco trafficker (screenshot from CIA Citation video obtained by *ABC News*).¹⁹⁸

At 10:40 a.m., the HNR requested Phase III authorization from VI RAT and within a minute the FAP OIC on the ground gave the requested authorization at 10:41 a.m. This authorization from the ground control station was the first instance of this portion of the standard operating procedure would be followed.¹⁹⁹

Meanwhile the pilots of the Citation were still not confident that the OB-1408 fit the profile of a narco trafficker, saying on their internal communications to each other that they were unsure of the identification. First, the Citation pilot told the HNR in English that OB-1408 was not taking evasive action or trying to escape, to which the HNR responded in English with “what?” furthering illustrating a disconnect in communication between the crews.²⁰⁰ The pilots

¹⁹⁸ *ABC News Nightline*, “CIA Video.”

¹⁹⁹ U.S. State Department, *Peru Investigation Report*, 8.

²⁰⁰ U.S. State Department, *Peru Investigation Report*, 9.

asked the HNR to ask the A-37 to attempt to reach the missionary plane on radio. Once again, Donaldson did not hear the radio calls. At 10:44 a.m. the Citation pilot commented that the A-37 could fly in front of OB-1408 to provide a visual warning, as was required in the standard operating procedures. However, the A-37 did not do so. Moreover, for some unexplained reasoning, at 10:45, seven minutes after initially obtained, the A-37 passed the missionary plane's registration to the FAP OIC, along with another request for Phase III, which demonstrated a lag in the process during critical moments of identification. The FAP Officer in Command again immediately approved the Phase III request to authorize the shutdown. Finally, after Phase III approval, there is evidence that the target aircraft finally noted the military presence. For example, at 10:45, the A-37 reported that the occupants of the missionary plane had seen the A-37, saying in Spanish that "he's seen me, he's seen me too, but he isn't doing anything."²⁰¹ In fact, about this time, Mr. Bowers had first observed the A-37 through his window and woke up his son Cory to show him the military aircraft.²⁰² In other words, both the A-37 crew and those on the missionary plane recognize this visual identification. Jim Bowers told the pilot, Donaldson, about the military aircraft as well, at which point Donaldson began to attempt to reach the Iquitos tower via his VHF radio on frequency 124.1, but was still having difficulty due to the distance from Iquitos. Ten seconds later the HNR informed the A-37 for the first time that Phase III had indeed been authorized. Within a minute, the A-37 proceeded with Phase III and made its first firing pass at OB-1408 from behind the target, while Donaldson was attempting to contact Iquitos. The Citation pilot and co-pilot are also heard on internal communications at this time stating and agreeing in English; "I think we're making a

²⁰¹ CIA, *Report of Investigation* 116.

²⁰² U.S. State Department, *Peru Investigation Report*, 9.

mistake”.²⁰³ But at this moment, the process accelerated, leaving little room to slow down or stop the shutdown procedures initiated by Phase III.

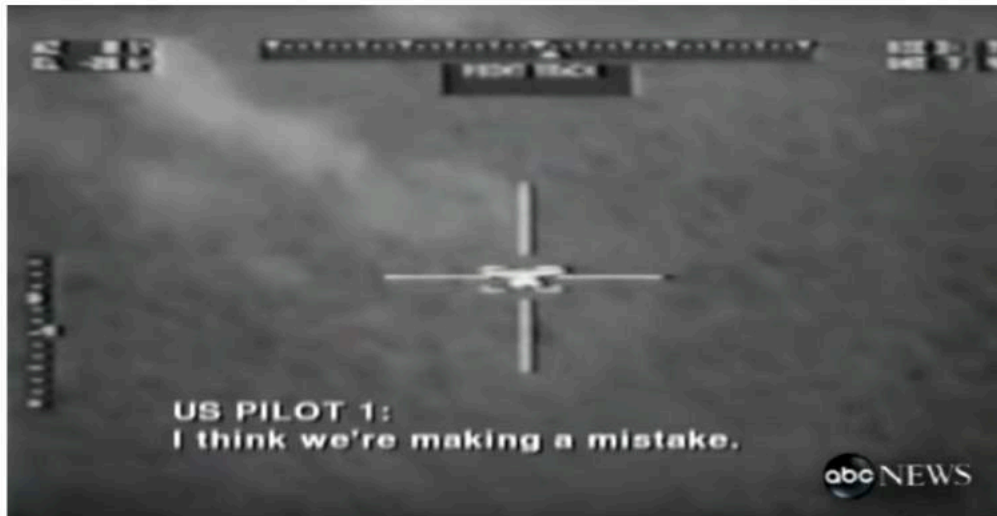


Figure 14: 10:45 a.m., Citation pilots expressing doubt about shutdown on internal communications (screenshot from CIA Citation video obtained by *ABC News*).²⁰⁴



Figure 15: 10:45 a.m., FAP A-37B aircraft seen at bottom left hand corner of screen during its firing pass on OB-1408 (screenshot from CIA Citation video obtained by *ABC News*).²⁰⁵

²⁰³ *ABC News Nightline*, “CIA Video.”

²⁰⁴ See note above.

²⁰⁵ See note above.

In fact, Donaldson remarked at 10:46 a.m., “the military is here. I don’t know what they want.”²⁰⁶ Donaldson also reported his location at Pebas, a small town northeast of Iquitos, and that he was proceeding from Islandia at 4,000 feet above sea level.

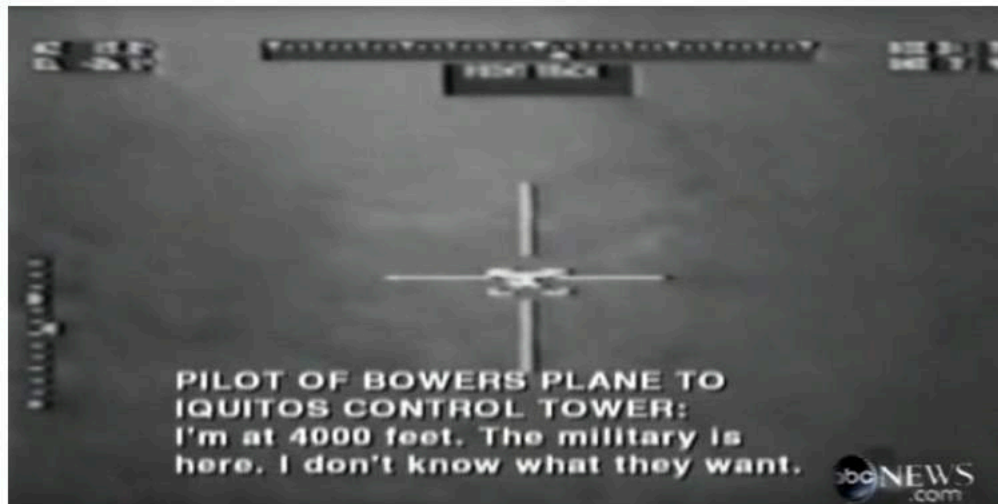


Figure 16: 10:46 a.m., the Citation hears Donaldson communicating with the Iquitos Control Tower acknowledging the presence of the FAP interceptor (screenshot from CIA Citation video obtained by ABC News).²⁰⁷

Of note, this was the first official filing of OB-1408’s flight plan to the Iquitos tower on record. The Iquitos control tower acknowledged and responded to OB-1408 and the Citation crew overheard the transmission on their VHF radio, a signal that should also indicate that the aircraft was not likely a narcotrafficker if it was communicating with the Iquitos airport.²⁰⁸ The Iquitos tower inquired about the aircraft’s estimated time of arrival (Donaldson responded that they would arrive in Iquitos in approximately 40 minutes). But the Iquitos tower did not mention anything in response about the presence of FAP or military aircraft. The Citation pilot said to the

²⁰⁶ CIA, *Report of Investigation*, 116.

²⁰⁷ *ABC News Nightline*, “CIA Video.”

²⁰⁸ U.S. State Department, *Peru Investigation Report*, 10.

HNR in English that “he is talking to him” to which the HNR replied, “wait a minute,” seemingly occupied with other communications with the A-37 and VI RAT.

Even with the knowledge at hand, and the Citation’s uncertainty surrounding the identity of OB-1408, at this point it would appear too late for the shootdown to be interrupted. Eleven seconds after Donaldson’s radio conversation with the Iquitos tower, and the knowledge and hesitation of the Citation pilots, the A-37 pilot remarked, “we’re firing at him; we’re firing at him. He’s reducing his speed.” The A-37 fired a three second salvo of ammunition from the aircraft’s 7.62-caliber mini-gun. Even then, five seconds later, at 10:47 a.m., the Citation noted that Donaldson was still talking to Iquitos, and appeared to be calmly relaying route information. This indicates that the first firing pass by the A-37 a few seconds earlier did not hit the missionary aircraft, nor was it noted by the pilot Donaldson. It was a miss, likely due to the fact that the A-37’s gun is not a precision weapon, and it was difficult to aim while the A-37 was constantly maneuvering and adjusting to stay behind the slower OB-1408, as previously noted.

Moreover, the Citation pilots reiterated to the HNR, again in English, that Iquitos “is talking to Oscar Bravo” (OB-1408) and the FAP HNR said, “okay, wait a minute.”²⁰⁹ The Citation pilots also noted that the Iquitos control tower had begun communicating with the Santa Clara FAP Base, a sign they took to suggest that the intercepted OB-1408 would head to the FAP base to resolve suspicions. Moreover, internal communications between the Citation pilots show that they understood the mission to have concluded and that the Citation would also head toward Iquitos. The Citation pilot in command asked the HNR if indeed OB-1408 was headed to Santa

²⁰⁹ U.S. State Department, *Peru Investigation Report*, 10.

Clara, and once again, likely due to both language barriers and task saturation, the HNR appeared to not understand the question, answering with “what?”²¹⁰

Jim Bowers also told Donaldson that he had seen puffs of smoke coming from the nose of the A-37, indicating he likely observed the shots fired of the first firing pass, which had in fact missed. But within a few seconds it was too late. The interdiction progressed quickly, and at 10:48 the A-37 persisted and made another firing pass attempt, and within three seconds of that pass Donaldson screamed over the radio to Iquitos in Spanish, “they’re killing me! They’re killing us!”²¹¹



Figure 17: 10:48 a.m., after OB-1408 is shot, the pilot Donaldson is heard yelling out “!Van a matarme, van a matarnos!” in Spanish, translated above (screenshot from CIA Citation video obtained by *ABC News*).²¹²

At 10:48, the Citation pilots told the HNR in broken Spanish and English to cease fire, and twelve seconds after the time of the second firing pass the HNR tells the A-37 in Spanish “Stop! No more! No more, Tucan! No more! The A-37 pilot immediately acknowledged and said

²¹⁰ U.S. State Department, *Peru Investigation Report*, 11.

²¹¹ CIA, *Report of Investigation*, 116.

²¹² *ABC News Nightline*, “CIA Video.”

in Spanish “roger, we’re terminating, he’s on fire.”²¹³ The A-37 then reported at 10:50 that OB-1408 had crash-landed in the river at the coordinates 03° 28’ 55" South, 072° 06’ 70" West near the District of Pebas, specifically the village of Huanta, in the Peruvian state of Loreto.²¹⁴

Veronica Bowers and her daughter Charity had been shot and killed on the second firing pass by salvo of approximately three seconds, and Kevin Donaldson, the pilot, had been shot in the leg. Surprisingly, Jim Bowers and son Cory Bowers were not injured during the shutdown or subsequent crash landing in the river, at which point residents of the nearby village are seen coming out to the aircraft in a boat to rescue the crew.

Initial press reports hinted at strafing runs by the A-37 following the crash landing of the missionary aircraft, but according to interviews with the missionaries and review of the video, this proved to be untrue. The only civilian eyewitnesses on the ground were two local residents of the village near the site of the shutdown, a farmer William Huanquiri Maneo and his wife Nelfi Benites Miranda.²¹⁵ They heard and then saw the aircraft from the ground, reporting that they had seen three aircraft. The pair then watched the burning aircraft come in for a crash landing about a kilometer up the river from their property in Huanta. William Huanquiri went out with his father in canoes to the aircraft to rescue Jim and Cory Bowers and Kevin Donaldson (which are the aforementioned boats observed in the video). According to Huanquiri, when they arrived at the aircraft in the river, Jim Bowers was already aware that his wife and daughter had been killed.²¹⁶

²¹³ *ABC News Nightline*, “CIA Video.”

²¹⁴ “Avioneta trasladaba a familia estadounidense,” *El Comercio*, April 21, 2001, and U.S. State Department, *Peru Investigation Report*, 14.

²¹⁵ Javier Medina, “Hidroavión de misioneros sigue sumergido en el río Amazonas,” *El Comercio*, April 25, 2001.

²¹⁶ See note above.



Figure 18: 10:50 a.m., OB-1408 is observed crash landing in the river (screenshot from CIA Citation video obtained by *ABC News*).²¹⁷



Figure 19: local residents from the community in Huanta taking canoes out to rescue survivors of OB-1408; the aircraft is now upside in the river with its floats visible on the video (screenshot from CIA Citation video obtained by *ABC News*).²¹⁸

²¹⁷ *ABC News Nightline*, “CIA Video.”

²¹⁸ See note above.



Figure 20. OB-1408's injured pilot, Kevin Donaldson (center), being transported by boat to Iquitos.²¹⁹

²¹⁹ Photo by Francisco Gallo, *El Comercio*, April 22, 2001.



Figure 21. The recovery of OB-1408 from the river; the bullet holes in the tail section and burned out fuselage are visible. The aircraft’s registration number is visible on the wing and tail section as well.²²⁰

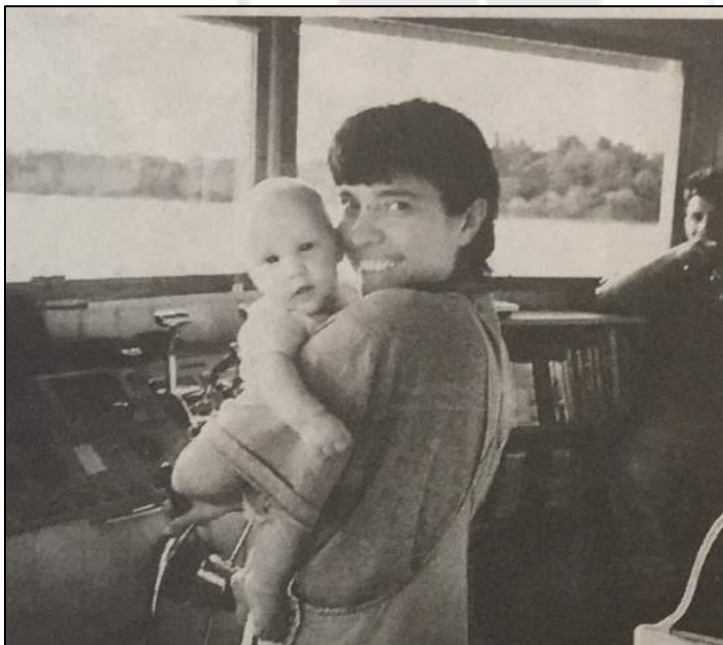


Figure 22: The fatalities from the shutdown—Veronica “Roni” Bowers and daughter Charity.²²¹

²²⁰ Photo by Juan Ponce, *El Comercio*, April 28, 2001.

²²¹ Photo in *El Comercio*, April 28, 2001.

CHAPTER 4. The Fallout

4.1. Initial Press Reporting

The shutdown of the Bowers' plane immediately triggered press reports and subsequent investigations from both the U.S. and Peruvian governments. The facts slowly unfolded for the public, revealing details of the shutdown and the ABDP. One of Peru's leading daily newspapers, *El Comercio*, featured the story about the shutdown the following day, on April 21, 2001, and included a summary of the official FAP statement that was released that night concerning the shutdown, in which the FAP acknowledged the fatal shutdown of the missionary aircraft, and said that "international norms to control (the aircraft)" were followed, and that the FAP would investigate the case in an "exhaustive manner."²²² Another leading Peruvian newspaper, *La República*, also featured the story on April 21, 2001, and even published the official version from the FAP in the *Comunicado Oficial No. 010-FAP-2001* from the Peruvian Minister of Defense. This official communiqué went into further detail about the circumstances from the perspective of the FAP and maintained that the shutdown had been a "last resort" effort to force the aircraft to land, and that the FAP had followed all international procedures set out by the ICAO (the FAP communiqué, in Spanish, is available in the annex).²²³

²²² "Avioneta trasladaba a familia estadounidense," *El Comercio*, April 21, 2001.

²²³ Carlos Callegari, "Incidente aéreo en la selva deja dos muertos, un herido y 2 sobrevivientes," *La República*, April 21, 2001.



Figure 23: the location and initial details of the shutdown according *La República* on April 21, 2001. Of note, this version of the storyboard does not include the presence of the CIA Citation, which would become known and presented later.²²⁴

²²⁴ Graphic by Orlando Arauco, *La República*, April 21, 2001.

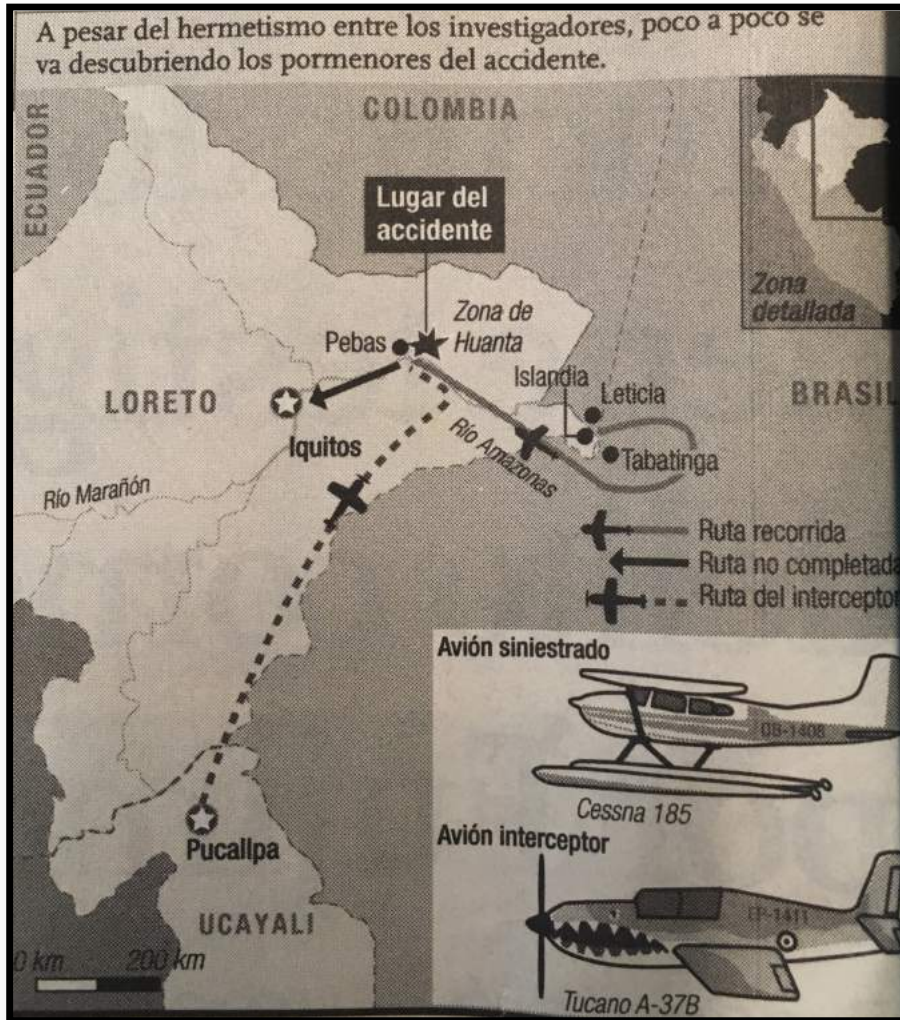


Figure 24: The approximate routes of OB-1408 (labeled “Cessna 185” above) and of the FAP A-37B interceptor aircraft (incorrectly called a “Tucano” above) from its base in Pucallpa, according to *El Comercio* newspaper. Of note, the CIA Citation ISR aircraft, also based at Pucallpa, is not depicted because the full details were not yet known.²²⁵

The U.S. Embassy in Lima also announced the immediate suspension of any counternarcotics flights until the completion of the investigations of the incident, and said the GOP was in agreement.²²⁶ News publications had revealed that both Peruvian and U.S. aircraft

²²⁵ *El Comercio*, April 25, 2001.

²²⁶ “Suspenden vuelos de represión al narcotráfico,” *El Comercio*, April 21, 2001.

took part in counternarcotics missions in Peru, but Peruvian press reporting from the FAP said they had “never worked directly with the Central Intelligence Agency of the United States,” but since 1996 had been coordinating through an office at the U.S. Embassy, called the Regional Administration Office to detect suspected narcotrafficking aircraft.²²⁷ This would have likely been the cover organization for the CIA ABDP office in Peru. The spokesman for U.S. Southern Command also acknowledged on April 21, 2001, that indeed there had been a non-DoD U.S. counternarcotics reconnaissance aircraft near the FAP A-37 during the shutdown, but declined to acknowledge that the CIA specifically operated the aircraft. The CIA declined to comment at this point.²²⁸ The same day, President George W. Bush, who was attending the Summit of the Americas in Quebec, Canada, also lamented the “terrible tragedy” but said that he hoped to “know all the information” about the incident before assigning blame.²²⁹ Javier Perez de Cuellar, the Peruvian Prime Minister at the time, was also attending the summit and expressed his deepest condolences to President Bush about the loss of life, and pledged to assist the families of the casualties with all resources necessary.²³⁰

On April 22, 2001, the newspapers began reporting the version of the pilot, Donaldson, which seemed to conflict the official FAP release. According to Donaldson, he had filed a valid flight plan and his aircraft had a clear tail number and markings that were clearly associated with the mission organization.²³¹ The *La República* newspaper cited a source on April 23 who stated

²²⁷ Javier Medina and Alejandro Reyes, “Hoy rescatarán nave siniestrada del cauce del río Amazonas,” *El Comercio*, April 25, 2001.

²²⁸ “Confirman que había un avión de EEUU junto al ‘Tucano,’” *La República*, April 21, 2001.

²²⁹ See note above.

²³⁰ “Perez de Cuellar da condolencias a Bush,” *La República*, April 23, 2001.

²³¹ Oscar Chumpitaz, “Piloto de Cessna revela que tenían un plan de vuelo,” *La República*, April 22, 2001.

that Donaldson had made contact with the Iquitos control tower with his flight plan.²³² This was in fact the case, although the timeline revealed during the CIA investigation later (and discussed in the aforementioned chapter of this thesis) showed that Donaldson did verbally file his plan with the Iquitos control tower at roughly the same time that the FAP was intercepting OB-1408, which proved too late to avoid the shutdown. This was noted by the Citation, but the message was not relayed to the FAP A-37 interceptor by the HNR. In other words, there was a clear disconnect in the various versions and perspectives of the event. By April 23, there were also press reports that the CIA had indeed been involved in the interdiction program with the FAP in Peru for years.²³³

Although both governments initially exercised caution in placing blame on a specific side for the incident, expressing their condolences while continually reiterating that procedures had been followed during the “accident,” soon officials began to attempt to clear their organizations of any wrongdoing. However, they presented conflicting accounts. For example, Commander Rommel Roca, the spokesperson for the Peruvian military, said in Spanish, “the only thing that I can say is that the Air Force followed their instructions to the letter of the law.”²³⁴ Meanwhile, when asked about the event the same day the White House Press Secretary, Ari Fleischer, indicated that information they had received indicated that norms and procedures had not actually been followed.²³⁵

The press, however, did begin to assign blame for the incident, with the *New York Times* publishing an editorial on April 24 that blamed the FAP for the shutdown of OB-1408. The

²³² “Suspenden patrullaje aéreo,” *La República*, April 23, 2001.

²³³ “¡Van a matarnos!,” *CNN en Español*, April 23, 2001, reprinted in *La República* the same day.

²³⁴ “Roni y Charity serán sepultadas en Michigan,” *La República*, April 24, 2001.

²³⁵ See note above.

Peruvian Ambassador to the U.S. at the time, Carlos Alzamora, rejected this assertion and called these claims presumptions without the support of an investigation.²³⁶ Additionally, by April 25, international news agencies were reporting that U.S. government officials acknowledged that language deficiency "was a factor" in the tragedy.²³⁷ However, these initial press reports merely scratched the surface for the facts that would be revealed through a series of official investigations.

4.2. Investigations and reports reveal a historical pattern of deviations

The official aircraft incident report released by the Peruvian Ministry of Transportation and Communication (Ministerio de Transportes y Comunicaciones or MTC), presented a narrative of the event describing the crash of OB-1408 as a result of shots to the "vital zones of the fuselage" by a General Dynamics GAU-2B/A 7.62mm "minigun", installed on the interdiction aircraft, a FAP Cessna A-37B.²³⁸ The aircraft incident report also presented information regarding the location of the shutdown (which roughly matched later press reporting and government investigations,) details on the fatalities and injuries of those on board OB-1408, and the following statement that:

The crew of the A-37B intercepting aircraft and the organization involved and in charge of the interdiction of aircraft within Peruvian airspace, headed by the Peruvian Air Force, *did not comply* with the procedures described in Annex Number 2, Chapter 3.8, Appendix 2, and Annex A of the ICAO (italics mine added for emphasis.... That the crew of the A-37B and parties involved and in charge of the interception of aircraft within Peruvian air space, headed by the Peruvian Air Force, did not comply with the interception procedures.²³⁹

²³⁶ "Embajador peruano rechaza editorial de *New York Times*," *La República*, April 24, 2001.

²³⁷ "Language 'was a factor' in Peru shutdown," *CNN*, April 25, 2001, <http://edition.cnn.com/2001/US/04/25/peru.shootdown.language/>

²³⁸ English translation of the report from the Ministerio de Transportes y Comunicaciones, "Cessna A185E, OB-1408" April 20, 2001, <http://portal.mtc.gob.pe/comision/ciaa/documentos/cessna2.PDF>

Following the event, the U.S. government established two external review groups to look at the conduct and events surrounding the ABDP – a U.S. National Security Council-directed Interagency Review Group and the U.S. Senate Select Committee on Intelligence (SSCI). The U.S. Ambassador to Peru at the time, John Hamilton, announced on April 23, 2001, almost immediately there would a joint investigation between the United States government and the FAP.²⁴⁰ This first investigative team, the Interagency Review Group, was officially formed on April 27. The interagency team was made up of representatives from various U.S. government agencies, including representatives from the U.S. DoD and DoS, and the CIA. The White House also designated the U.S. DoS Assistant Secretary of State for International Narcotics and Law Enforcement Affairs (INL), Rand Beers, as the team leader.²⁴¹ The GOP, announced also released a communiqué on April 24 indicating that meetings were taking place with the U.S. Embassy in Lima to form the joint team.²⁴² The representatives from the Peruvian side would include the ministries of Foreign Affairs and Defense. The GOP designated FAP Major General Jorge Kisic Wagner, the Commander of Operations, as the Peruvian team leader.²⁴³ During his briefing about this report on August 2, 2001, Beers stated the report was “the product of a joint US-Peruvian accident investigation. It includes an examination of documents, interviews of

²³⁹ Ministerio de Transportes y Comunicaciones, “Cessna A185E, OB-1408.”

²⁴⁰ “Habr a investigaci3n conjunta,” *La Rep blica*, April 23, 2001.

²⁴¹ U.S. State Department, *Peru Investigation Report*, 1-2.

²⁴² “Roni y Charity ser n sepultadas en Michigan,” *La Rep blica*, April 24, 2001.

²⁴³ U.S. State Department, *Peru Investigation Report*, 1.

participants, and other relevant individuals, as well as field visits to Iquitos and Pucallpa.

Cooperation between both sides was very good. Private discussions were quite candid.”²⁴⁴

The charter of this Joint Investigative Team was to 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 deaths of two U.S. citizens” and to 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.”²⁴⁵ The joint investigation’s task was to review relevant U.S. and Peruvian information related to the ABDP, and it was permitted to “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.”²⁴⁶ The team was also tasked to 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” and to “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.”²⁴⁷ The team was also permitted to “view Peruvian locations to assess field conditions, bilateral working relationships, implementation of procedures, and availability and condition of relevant equipment.”²⁴⁸

²⁴⁴ Rand Beers, Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, “Special Briefing: Joint U.S.-Peruvian Investigation Report of the April 20, 2001 Accidental Shootdown of U.S. Missionary Plane,” Washington, D.C., August 2, 2001, 14-15. https://2001-2009.state.gov/p/inl/rls/rm/jun_aug/4407.htm

²⁴⁵ U.S. State Department, *Peru Investigation Report*, 1.

²⁴⁶ See note above.

²⁴⁷ See note above.

²⁴⁸ See note above.

However, the Joint Investigative Team was limited to a very specific fact finding mission with a very specific focus. It was not, for example, 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.”²⁴⁹ The Joint Investigative Team released their report on August 2, 2001, with Beers giving a briefing and answering questions at the State Department’s International Narcotics and Law Enforcement Affairs on the same day.²⁵⁰ Moreover, the briefing stated that the report’s conclusions “are fully shared by both the Peruvians and Americans” and was, “jointly drafted by several members of the team and was reviewed by all members of the team. In some cases, specific report language may suffer from being a committee draft in two languages.”²⁵¹ The irony in the report is not lost with the mention of linguistic challenges, during an investigation into an accident that also resulted from similar linguistic challenges.

The report made six conclusions, in order of what the team considered to be the primary factors contributing to the 2001 shutdown. The first conclusion was that as ABDP progressed the full range of agreed-upon procedures from the 1994 MOJ became “less detailed and explicit in implementing documents agreed to by representatives of both governments.”²⁵² In other words, original agreed-upon protocols were not being properly implemented. Second, the report stated that, “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” and that following the aforementioned collision between U.S. and Peruvian aircraft in February

²⁴⁹ U.S. State Department, *Peru Investigation Report*, 1.

²⁵⁰ Beers, “Special Briefing: Joint U.S.-Peruvian Investigation,” 1.

²⁵¹ U.S. State Department, *Peru Investigation Report*, 1.

²⁵² U.S. State Department, *Peru Investigation Report*, 14.

1999, the focus during intercept training had been on safety of flight.²⁵³ That is to say, the intercept protocol was not fully followed because of a rushed and incorrect assumption about the identity of OB-1408. Moreover, because of concerns over safety of the interceptor due to the collision, the A-37 did not approach OB-1408 for visual signals.

Third, the report stated that the parties involved in the OB-1408 shutdown, stayed within their individual stove-piped command and control roles and did not consider a broader “overall perspective.”²⁵⁴ In this regard, the U.S. and Peruvian crewmembers were actually following established protocol, and the Citation pilots did not issue orders, intervene, or interrupt for example (which had been seen in previous shutdowns). However, the single point of coordination, and ultimately failure, was the HNR, who was clearly task saturated during the mission. Fourth, “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.”²⁵⁵ This was despite that the fact that OB-1408 did not attempt to evade the A-37 interceptor, maintained a steady altitude throughout the intercept, and was flying into Peru, toward Iquitos, not toward Brazil as would have been the standard case for a narcotraffickers loaded with Peruvian coca paste. Thus, point four of this report is inconsistent with critical analysis of the flight characteristics.

Fifth, and as highlighted in the discussion over language capability challenges and the weight of HNR responsibility, that “language limitations of Peruvian and American participants – particularly under stress – played a role in reducing the timely flow of information, and

²⁵³ U.S. State Department, *Peru Investigation Report*, 14.

²⁵⁴ See note above.

²⁵⁵ See note above.

comprehension of decisive messages related to the April 20 interception of OB-1408.”²⁵⁶ The language and communication flow challenges were a pattern that emerged in previous intercepts as well, and that were a major lesson learned from the ABDP. In his briefing on the final report, Beers mentioned the language challenges in just conducting the investigation and review itself, stating “the English and Spanish language differences cause many or most of the non-native speakers to not understand conversations in the other language. And even if you here a ‘yes’ in response to that conversation, that does not mean that the person actually understood what was said to him if it was not said in his native language.”²⁵⁷ Finally, sixth, and similar to the fifth conclusion point, “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.”²⁵⁸ This conclusion echoes what was previously stated by the report, and is a pattern that emerged from the onset of the program.

Glaringly perhaps, the rapid investigation by the Joint Investigative Team, with its limited scope and conclusions released just barely more than three months after the shutdown, does not really scratch the surface on the systematic errors over the years of the ABDP. Moreover, as discussed later, the CIA would reveal that complete ABDP information had been withheld from the investigation. Still, the report rapidly identified some serious issues that emerged, specifically about the inconsistencies in protocol and communication challenges that led to the fatal shutdown of Kevin Donaldson and the Bowers family. Additionally, the report briefing ended with a statement by Beers that contradicted some early press reporting that

²⁵⁶ See note above.

²⁵⁷ Beers, “Special Briefing: Joint U.S.-Peruvian Investigation,” 1.

²⁵⁸ U.S. State Department, *Peru Investigation Report*, 15.

attempted to quickly assign blame for the shutdown, stating “because there have been press reports suggesting otherwise, the team did not conclude that the floatplane pilot, Donaldson, was at fault. The intercept procedures followed by both governments should be robust enough to prevent such an accident.”²⁵⁹ However, the government investigations did not stop here.

The U.S. SSCI also began its own investigation through a series of hearings, briefings, and reviews, which differed from the first investigation in that it did not include inputs from the Peruvian side. Nor was the investigation comprised of interagency representatives. As presented in its October 2001 report on its investigation, the SSCI held one closed hearing and a closed briefing concerning the shutdown, beginning on April 24, 2001, with testimony from George Tenet, Director of the CIA.²⁶⁰ Next, on May 10, Senate Committee members and staff met to view the videotape and transcript of the 2001 shutdown, and received a briefing by CIA officials. Then, on July 26, the Committee staff received an on-the-record briefing, which summarized the results of the aforementioned Joint Investigative Team report.²⁶¹ During the SSCI investigation, Committee staff conducted interviews with personnel from: the CIA, including the crew of the Citation tracker aircraft, the DoS, the DoD, the USCS, the DEA, the Office of National Drug Control Policy (ONDCP), the FAP, Peru's aeronautical agency and the missionaries from the ABWE, including interviews with Kevin Donaldson Jim Bowers, and ground personnel in Peru. The Peruvian authorities did not permit Committee staff to interview the FAP HNR, the A-37 pilots, the FAP OIC on the day of shutdown, or the Commanding General of the VI RAT who authorized the shutdown. According to the Senate report, the FAP

²⁵⁹ Beers, “Special Briefing: Joint U.S.-Peruvian Investigation,” 2.

²⁶⁰ U.S. SSCI, *Review of United States Assistance*, 1.

²⁶¹ See note above.

denied the interview request because there are “pending judicial proceedings against the Peruvian pilots and the host nation rider.”²⁶²

The U.S. SSCI issued a slew of conclusions that greatly expanded on the findings of the Joint Investigative Team from a couple months earlier, even taking steps to assign what they viewed as culpability and systematic flaws in ABDP: 1) the pilot Kevin Donaldson was not to blame and that OB-1408 was flying a route and altitude that was not consistent with typical narco-trafficking patterns; 2) there was an erosion of protocol, training, and safety procedures put in place to “protect innocent life” and the “presumption of innocence should have been paramount;” 3) the Peruvian HNR and his FAP chain-of-command “showed a tragic lack of judgment in the April 20, 2001 incident;” 4) The Peruvian air traffic control system is “clearly inadequate to fulfill this mission with the requisite level of confidence;” 5) The “inadequate language skills of both the Peruvian and American participants contributed to the overall confusion on April 20;” 6) the communications architecture was “cumbersome and delayed the efficient flow of information;” 7) the FAP is “ill-equipped to conduct this program in an effective and safe manner;” 8) the ABDP procedures “removed the US participants from the decision making process” and only the “Peruvians had the authority to order a shutdown;” 9) the U.S. government did not have adequate oversight of ABDP, “contributing to the degradation of adherence to safety procedures;” 10) ABDP in Peru made a “significant difference in the fight against cocaine trafficking, but it is possible that similar results could have been achieved in Peru with a different mix of counter-drug policies;” and finally, 11) Peru’s coca cultivation and its threat to national security had “changed dramatically since the program began in 1994” and this

²⁶² U.S. SSCI, *Review of United States Assistance*, 1.

was not adequately assessed by those responsible for ABDP oversight.²⁶³ These conclusions, explicitly without the input of the GOP or the FAP, cast most of the operational blame on the Peruvian side, especially regarding problems with the FAP's chain of command and systems, while effectively blaming U.S. personnel for ineffective oversight of ABDP. Through its conclusions, the Senate report then presented four recommendations, including a periodic U.S. Presidential review and recertification process of an air interdiction program like ABDP, that ABDP in Peru should not be resumed until both governments take steps to address the shortcomings outlined in the conclusions that were reached, including improved training (such as the responsibility for providing Spanish-speaking crewmembers on the part of the U.S.) and strict adherence to protocol, a greater emphasis on the role of law enforcement in the counternarcotics fight as opposed to military enforcement, and the call to transfer such responsibilities away from the CIA to other government agencies, especially in light of the publicity that accompanied the 2001 incident.²⁶⁴

In the meantime, and not publicly realized at the time, while the other U.S. and Peruvian investigations were ongoing, the CIA had begun its own internal review through its Peru Task Force (PTF). Later the CIA Inspector General report showed that pertinent CIA information was actually withheld from the Joint Investigative Team and from the SSCI. According to the CIA Inspector General report, no evidence was found that the PTF findings were ever shared outside the CIA internal review with these external, joint government investigation groups. In fact, by actively telling the outside Joint Investigative Team that there was no final report from the internal CIA investigation, the joint investigation was essentially denied access to detailed PTF

²⁶³ U.S. SSCI, *Review of United States Assistance*, 28-29.

²⁶⁴ U.S. SSCI, *Review of United States Assistance*, 30.

findings.²⁶⁵ This meant that the aforementioned joint and Senate investigation reports contained an incomplete picture of the ABDP and history. The concealment about the PTF's findings also denied a complete picture of the events in 2001 to the victims of the shutdown, who were at the time engaged in civil settlement negotiations. The U.S. Government had paid \$8 million to the Kevin Donaldson and Jim Bowers based on the CIA's inaccurate assertion that the missionary shutdown had been an abnormality in a program that had otherwise always complied with the Presidentially mandated, and jointly-agreed upon procedures.²⁶⁶ In other words, the initial official stance was that the 2001 shutdown was an outlier—and not the culmination of years and patterns of errors and neglect of protocol.

By the end of May 2001, the PTF presented internal CIA evidence and documented its findings that the procedures required by the MOJ had never been fully followed during ABDP and that CIA officers running the program in Peru had falsely claimed otherwise in their reports to CIA Headquarters. The PTF did not formally report this, however, to the other government investigations, nor did the information initially become public knowledge.²⁶⁷ In general, the PTF sought to shield the CIA officers and organization from any finding of accountability or liability for their conduct of the program by not releasing a public report, and by telling the government investigatory groups working in parallel, such as the Joint Investigative Team and the SSCI, that there was no final report. This was a cover-up of the facts that would later be publically revealed by the 2008 CIA Inspector General report.²⁶⁸

²⁶⁵ CIA, *Report of Investigation*, 8-9.

²⁶⁶ CIA, *Report of Investigation*, 8-9, 276.

²⁶⁷ CIA, *Report of Investigation*, 276.

²⁶⁸ See note above.

So then, what led to the eventual 2008 CIA Inspector General report, and the revelation of the ground truth and more complete picture of ABDP's systematic problems? During the multiple ongoing government investigations into ABDP following the 2001 shutdown, the U.S. DoJ's Criminal Division initiated its own inquiries and review of the shutdown to see if criminal charges might be warranted. In mid-December 2001, the DoJ team approached the FBI and the CIA Office of the Inspector General (OIG) to form another investigative team, with a focus on determining possible violations and culpability.²⁶⁹ Thus, the OIG formed a team of six special investigators and a research assistant, in conjunction with 10 special agents from the FBI, six prosecutors and one paralegal from the DoJ's Criminal Division, and one Assistant United States Attorney from the District of Columbia.²⁷⁰ This team obtained copies of relevant U.S. Government records, including copies of relevant internal and external documents, including Official Personnel Folders, correspondence, communications, reports, and electronic files. Moreover, the team examined CIA policies, regulations, and field directives, as well as the aforementioned PD and MOJ, which had established ABDP.²⁷¹ The team asked permission to review transcripts of Congressional testimonies, hearings, and briefings presented by CIA officers to both the U.S. House Permanent Select Committee on Intelligence and the SSCI. While the U.S. House Committee declined to provide access to the requested material, stating that its own review had determined that the actions within ABDP were appropriate, the Senate Committee provided the requested materials.²⁷² The investigative team also requested and reviewed pertinent documents in the records of the Departments of State, Commerce, and

²⁶⁹ CIA, *Report of Investigation*, 10-11.

²⁷⁰ CIA, *Report of Investigation*, 11.

²⁷¹ See note above.

²⁷² CIA, *Report of Investigation*, 11-12.

Defense as well as the DEA and the U.S. Customs Service (USCS). They also traveled to the U.S. Southern Command's Joint Interagency Task Force-East and the U.S. Embassy in Lima in order to conduct interviews of officials assigned to the Embassy during the ABDP. Additionally, the team travelled to the cities of Pucallpa and Piura, Peru, for further interviews with those involved with ABDP. Finally, the team requested and received classified and unclassified Peruvian Government documents pertinent to the conduct of the interception program.²⁷³

The aforementioned investigation would be the most thorough examination of both the 2001 shutdown and the complete history of the ABDP. In total, the team reportedly reviewed more than 250,000 pages of documents, obtained and reviewed the videotapes of ABDP operations, which provided a visual and audio record of what transpired in each intercept mission, directed more than 210 interviews, including with current and former employees of the CIA, DEA, USCS, DoS, the National Security Council (NSC), the U.S. Army, and the U.S. Senate staff, and collaborated with the Peruvian Ministries of Justice, Defense, and Foreign Affairs.²⁷⁴ The team also met with the Commander of the FAP and other Peruvian Ministry of Defense officials, and arranged interviews of FAP personnel involved in ABDP. In total, the CIA OIG team interviewed 24 FAP officers, including five of the six commanding generals for ABDP, as well as available FAP pilots, co-pilots, and HNRs.²⁷⁵

Overall, the exhaustive now-declassified (yet, still partly redacted) OIG report, much of which is the primary source documentation for this thesis, provides an up-close look at the historical evolution of ABDP and its patterns of deviations, as well as an acknowledgment of

²⁷³ CIA, *Report of Investigation*, 11.

²⁷⁴ CIA, *Report of Investigation*, 12.

²⁷⁵ See note above.

noncompliance with the criteria set out in the original MOJ and PD. Throughout the investigation, the OIG highlighted the patterns of discrepancies of the ABDP and the inconsistent findings of the CIA's PTF, which had not been previously reported. For example, the OIG showed that the PTF's previously unreleased findings showed that through interviews of U.S. and Peruvian aircrews, "the requirement to visually warn suspect aircraft had not been conducted in shootdowns from 1995 through 2001."²⁷⁶ Moreover, despite earlier reports in interviews, the PTF had determined that neither the February 1997 nor the 1999 SOPs instructed the aircrews to exercise the required ICAO visual signals as part of FAP intercept procedures.²⁷⁷

On August 25, 2008, the CIA Inspector General, John L. Helgeson, presented the findings of the report to the Director of the CIA at that time, General Michael Hayden, and concluded that all of the CIA members who participated in ABDP were aware that the program was not being conducted in accordance with the stated requirements, even though the Agency had consistently told the U.S. Congress the National Security Council that the ABDP was operating within the policies that governed it, and misled other government investigations in hearings following the 2001 shootdown:

All of the key Agency participants in the ABDP who were identified in this Report were aware that the ABDP was not being conducted in accordance with the requirements of PD 95-9 and the MOJ. This awareness was demonstrated in the details provided in reporting cables, Videotape reviews, and reports from pilots. Visual signals were required by the MOJ, but had not been conducted in any of the ABDP shootdowns. Between March 1995 and April 2001, however, each of these Agency officers failed to report violations of this requirement or any of the others. Instead, they consistently and falsely reported the opposite-that the program was being operated in full compliance with the requirements.²⁷⁸

²⁷⁶ CIA, *Report of Investigation*, 226.

²⁷⁷ See note above.

²⁷⁸ CIA, *Report of Investigation*, 120 and 234.

Moreover, the OIG report concluded that, “violations of procedures required under the ABDP to intercept and shoot down drug trafficking aircraft occurred in all of the shootdowns in which CIA participated, beginning in May 1995,” and that during many cases aircraft had been shot down, “within two to three minutes of being sighted by the Peruvian fighter – without being properly identified, without being given the required warnings to land, and without being given time to respond to such warnings as were given to land.”²⁷⁹

The OIG report also officially revealed that criminal prosecution of those U.S. officials involved in ABDP had been declined in favor of administrative action. In the fall of 2004, the U.S. DoJ had indicated that it would not prosecute CIA officers involved in the ABDP if the “CIA could assure an adequate administrative remedy.”²⁸⁰ Thus, in October 2004, the CIA provided the requested assurances in a letter to the DoJ, and the DoJ officially declined criminal prosecution in February 2005.²⁸¹ While the OIG investigation outlines the specific roles of each CIA member involved in the ABDP, the names are not publicly available. In December 2008, after reviewing the investigation report, CIA Director Hayden convened an Agency Accountability Board to determine if officials should be further punished.²⁸²

Unclassified portions of the OIG report were made public for the first time on November 20, 2008, by U.S. Congressman, Representative Pete Hoekstra, the top Republican on the House of Representatives Intelligence Committee, who criticized the CIA for the “needless” deaths and stated, “this issue goes to the heart of the American people’s ability to...know that agencies

²⁷⁹ CIA, *Report of Investigation*, 267 and 269.

²⁸⁰ CIA, *Report of Investigation*, 10.

²⁸¹ See note above.

²⁸² “Statement from the CIA on the 2001 Peru Shootdown” *ABC News*, February 3, 2010, <http://abcnews.go.com/Blotter/cia-statement-2001-peru-shootdown/story?id=9738624>

given the power to operate on their behalf aren't abusing that power or their trust.”²⁸³ Of note, Representative Hoekstra had a vested interest in the case, as the Bowers family came from his Congressional district in the state of Michigan.²⁸⁴ Congressman Hoekstra spent years advocating for more of the OIG report to be publicly released. During that time, there were a series of press reports on the culpability of the CIA involved, to which the CIA Office of Public Affairs responded with on February 3, 2010, deflecting blame to the Peruvian side:

The program to deny drug traffickers an ‘air bridge’ ended in 2001 and was run by a foreign government. CIA personnel had no authority either to direct or prohibit actions by that government. CIA officers did not shoot down any airplane. In the case of the tragic downing of April 21st, 2001, CIA personnel protested the identification of the missionary plane as a suspect drug trafficker... The Board also determined that “reasonable suspicion”—the basis on which to identify a plane as suspect—was established in every shutdown except that of April 21st, 2001, when, tragically, innocent lives were lost. The Board concluded that no CIA officer acted inappropriately with respect to the 2001 shutdown... This program, now long over, has been looked at very carefully, inside and outside the CIA. The Agency has briefed the oversight committees of Congress on the actions the Agency has taken in this matter. Any talk of a cover-up, let alone improper attempts to persuade the Department of Justice not to pursue prosecutions, is flat wrong. This was a tragic episode that the Agency has dealt with in a professional and thorough manner. Unfortunately, some have been willing to twist facts to imply otherwise. In so doing, they do a tremendous disservice to CIA officers, serving and retired, who have risked their lives for America's national security.²⁸⁵

Despite the evidence, and subsequent investigation, the CIA has maintained it acted appropriately throughout ABDP, specifically regarding the 2001 shutdown. However, through Hoekstra's efforts, and continued journalistic investigations, the full OIG report was finally

²⁸³ Ross Colvin, “CIA faulted in shooting down of missionary plane,” *Reuters*, November 21, 2008, <https://www.reuters.com/article/us-usa-cia-report/cia-faulted-in-shooting-down-of-missionary-plane-idUSTRE4AJ9AX20081120?sp=true>

²⁸⁴ Mark Mazzetti, C.I.A. Withheld Data in Peru Plane Crash Inquiry,” *New York Times*, November 20, 2008, <https://www.nytimes.com/2008/11/21/world/americas/21inquire.html>

²⁸⁵ “Statement from the CIA on the 2001 Peru Shootdown” *ABC News*, February 3, 2010.

released on November 1, 2010, as part of the 2010 Intelligence Authorization Act.²⁸⁶ With the release of the final report, it was also revealed that 16 CIA officials, both active duty and retired, had faced administrative punishment for their roles in the ABDP.²⁸⁷ Meanwhile, publicly at least, the determination of any internal Peruvian investigations is more difficult to ascertain. Open press reports at least show that the command pilot of the Peruvian A-37, who had shot down OB-1408, was prosecuted by the civil and military justice of Peru. In both instances he was acquitted of any wrongdoing.²⁸⁸

CONCLUSION

A historical assessment and analysis of the government documents and press reporting at hand clearly demonstrates that during its lifespan in Peru, the ABDP was riddled with lapses in protocol, incongruent systems, linguistic challenges, and patterns of errors over years. What is more, counternarcotics cooperation between the U.S. and Peru was challenged by language, communications, and protocol barriers even in the lead up to ABDP, which would only be amplified during a high-stakes operation that included the downing of aircraft. Moreover, the valid concerns over potential innocent loss of life and legal culpability presented during the interruption in intelligence sharing activities in 1994, along with the controversial and bungled intercept of the U.S. C-130 by the FAP in 1992 due to coordination breakdowns, foreshadowed a program that was inevitably doomed to fail. The various post-2001 shutdown press reports and

²⁸⁶ “La CIA castigó a 16 agentes por derribo de avioneta en selva peruana en el 2001,” *El Comercio*, November 1, 2010, <https://archivo.elcomercio.pe/amp/mundo/actualidad/cia-castigo-16-agentes-derribo-avioneta-selva-peruana-2001-noticia-662872>

²⁸⁷ See note above.

²⁸⁸ Angel Paéz, “Peru: CIA y militares discrepan en caso de avión de misioneros,” *Inter Press Service*, February 9, 2010, <http://www.ipsnoticias.net/2010/02/peru-cia-y-militares-discrepan-en-caso-de-avion-de-misioneros/>

investigations into ABDP consistently highlighted these language barriers, systems limitations, misunderstandings or neglect of official protocols and requirements, and a lack of government accountability, and made it clear that ABDP had evolved into a program with inherent risks. Unfortunately, these risks manifested themselves most seriously in 2001, and as a result Roni and Charity Bowers lost their lives. Certainly, the shutdown of 2001 could be partly attributed to a series of tragic events, like problems with weather and radio communications that prohibited the earlier filing of a return flight plan by Donaldson. But the risky patterns that had developed over the years of ABDP had become accepted as part of the official operational protocol, including the lack of visual warnings, abbreviated and rushed phases of intercept, and the single critical communication point, the HNR, who was prone to task saturation. There simply must be more caution in designing and exercising critical oversight for such a high-stakes military air interdiction program like ABDP, considering the sensitivity of binational rapid shutdowns of unknown civilian aircraft flying close to the border region, and in remote airspace zones with frequent communications limitations (such as spotty air traffic control coverage, for example).

Tragically, ABDP in Peru ultimately failed. As of the publication of this thesis, the program in Peru has been discontinued, even as the U.S. renewed its ABDP cooperation with Colombia in August 2003 after additional safeguards were put in place there.²⁸⁹ However, various military and government publications, both Peruvian and U.S., continue to highlight ABDP as a key success in the fight against narcotrafficking, and maintain that the 2001 shutdown and civilian deaths were merely a one-off error during a successful program that produced positive results over many years. For example, at Peru's Centro de Altos Estudios Nacionales, Enrique Obando published an article in 2016 claiming the program was "abandoned

²⁸⁹ U.S. GAO, *Drug Control: Air Bridge Denial Program in Colombia Has Implemented New Safeguards, but Its Effect on Drug Trafficking Is Not Clear*, September 6, 2005, <https://www.gao.gov/products/GAO-05-970>

by the North Americans due to the accidental shutdown in 2001,” even though the 2001 shutdown was the “only error in ten years of activity.”²⁹⁰ This is either intentional hyperbole, or the failure to recognize the recurring errors and other near misses of ABDP over a period of years. On the U.S. side, there is also a focus on the successes of ABDP in the fight against narcotics, and the 2001 incident is still often regarded as an isolated mistake in an otherwise effective program, as presented by Ezekiel Parrilla at the U.S. Air Force’s Air University in 2010.²⁹¹ In many ways, the same conversations about the necessity of military-led counternarcotics interdiction efforts that were had in the 1990s are also now being recycled. For example, Congressmen like Carlos Tubino have championed government efforts to restart air interdiction programs in Peru, and they have successfully passed the 2015 *Ley No. 30339* and recently the 2018 *Ley No. 30796*, again authorizing air interdictions in Peru by the FAP.²⁹² Moreover, in justifications of such interdiction programs there is little if any attention given to historical errors evident throughout ABDP. Nor are there guarantees for how such errors would be avoided in the future. The U.S. government, on the other hand, as been hesitant to become involved, and as of the writing of this thesis, has yet to agree to reengage in a similar program with Peru.²⁹³

²⁹⁰ Enrique Obando, “Drug Trafficking in Peru: forty years later,” *Revista Tematica* No. 2, Centro de Altos Estudios Nacionales, 2016, 31.

²⁹¹ Parrilla, Ezekiel. “Airbridge Denial: An interagency and international success story U.S.” United States Air University, March 7, 2010. http://www.au.af.mil/au/afri/aspj/apjinternational/apj-s/2010/2010-3/2010_03_07_parrilla_eng.pdf.

²⁹² Government of Peru, *Ley No. 30339, Control, Vigilancia y Defensa del Espacio Aéreo Nacional*, August 29, 2015, <http://www.leyes.congreso.gob.pe/Documentos/Leyes/30339.pdf>, and *Ley No. 30796 Que Autoriza La Participación De Las Fuerzas Armadas En La Interdicción Contra El Tráfico Ilícito De Drogas En Zonas Declaradas En Estado De Emergencia*, June 21, 2018, http://www.leyes.congreso.gob.pe/Documentos/2016_2021/ADLP/Normas_Legales/30796-LEY.pdf.

²⁹³ Ryan Dube, “Peru Looks to Restart Aerial Interdiction Program, Antidrug Chief Says,” *The Wall Street Journal*, July 11, 2014, <https://www.wsj.com/articles/peru-looks-to-restart-aerial-interdiction-program-antidrug-chief-says-1405102282>

When ABDP is not hailed as a successful air interdiction program, it is often simply neglected in relevant academic literature on the topic, despite the many lessons that could be gleaned from its evolution. In his October 2015 PUCP thesis, “Los planes de Interdicción como mecanismo para el control en la lucha contra las drogas ilegales,” William César Santillan Nuñez says nothing of ABDP or the historical lessons that could be learned from its development and failure. Additionally, Javier Ernesto Bueno Victoriano’s PUCP Thesis, “Interdicción contra el transporte aéreo clandestino de derivados cocaínicos desde los departamentos de la Amazonía peruana hacia el extranjero en el period comprendido entre los años 2012 al 2014,” published in April 2016, only briefly mentions the ABDP in passing, and says nothing about why the program between the U.S. and Peru stopped.

While this thesis is not searching for policy solutions to counternarcotics programs in Peru, nor is it a quantitative analysis of the actual effects like ABDP on the trafficking of coca, the point is that any government and academic discussions on the theme should at least consider the historical case study of ABDP, including its complex development, inevitably risky operations, and subsequent fallout that exposed inconsistencies, as a source of lessons learned and acknowledgement of mismanagement in the past. Only through the consideration of this historical perspective, and an analysis of its detailed layers, can similar contemporary policies and programs be formed effectively.

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ABBREVIATIONS

ABDP – Air Bridge Denial Program

ABWE – Association of Baptists for World Evangelism

ADIZ – Air Defense Interdiction Zone

AWACS – Airborne Warning and Control System

CIA – Central Intelligence Agency

DEA – Drug Enforcement Agency

DoD – Department of Defense

DoJ – Department of Justice

FBI – Federal Bureau of Investigations

FAP – Fuerza Aerea del Peru (or Peruvian Air Force)

FOIA – Freedom of Information Act

GOP – Government of Peru

GAO – Government Accountability Office

HNR – Host Nation Rider

ICAO – International Civil Aviation Organization

ISR – Intelligence, surveillance, and reconnaissance

MOJ – Memorandum of Justification

MTC – Ministerio de Transportes y Comunicaciones (Peruvian Ministry of Transportation and Communication)

USCS – U.S. Customs Service

ONDCP - Office of National Drug Control Policy

PD – Presidential Determination

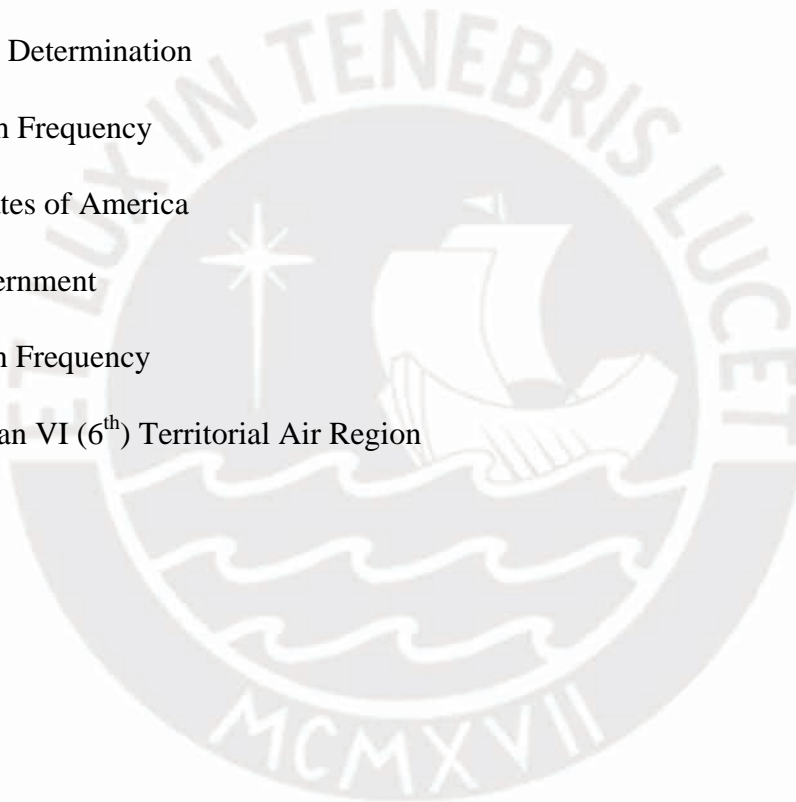
UHF – Ultra High Frequency

U.S. – United States of America

USG – U.S. Government

VHF – Very High Frequency

VI RAT – Peruvian VI (6th) Territorial Air Region



JUN 25 2001 5:02PM NSC MULTILAT

NO. 162 P. 2

THE WHITE HOUSE
WASHINGTON

December 8, 1994

Presidential Determination
No. 95-9MEMORANDUM FOR THE SECRETARY OF STATE
THE SECRETARY OF DEFENSESUBJECT: Resumption of U.S. Drug Interdiction Assistance
to the Government of Peru

Pursuant to the authority vested in me by section 1012 of the National Defense Authorization Act for Fiscal Year 1995, Public Law 103-337, I hereby determine with respect to Peru that: (a) interdiction of aircraft reasonably suspected to be primarily engaged in illicit drug trafficking in that country's airspace is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that country; and (b) that country 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.

The Secretary of State is authorized and directed to publish this determination in the Federal Register.

*William P. Clinton*CLINTON LIBRARY
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JUN 25 2001

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NSC MULTILAT

NO. 152

P. 3

Memorandum of Justification for
 Presidential Determination Regarding the
 Resumption of U.S. Aerial Tracking Information Sharing
 and Other Assistance to the Government of Peru

Section 1012 of the National Defense Authorization Act for Fiscal Year 1995 provides that "[n]otwithstanding any other provision of law, it shall not be unlawful for authorized employees or agents of a foreign country . . . to interdict or attempt to interdict an aircraft in that country's territory or airspace if-

- (1) that aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking; and
- (2) the President . . . has determined with respect to that country that-

(A) interdiction is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that country; and

(B) the country has appropriate procedures in place to protect against innocent loss of life in the air and 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."

Narcotics production and trafficking pose a grave threat to Peru's national security. Sixty percent of the world's coca leaf supply is grown east of the Andes in Peru. The resulting drug trade, generating billions of dollars of illicit profits annually, has undermined the Government of Peru's efforts to put the legitimate Peruvian economy on a stable footing due to the effects of narcodollars on the black market economy. Trafficking has also impeded concerted efforts to bring legitimate political and agricultural development to rural areas, and weakened military and law enforcement institutions by narcotics corruption. Above all, Peruvian narcotics trafficking organizations have provided substantial funding to Peruvian terrorist organizations, specifically the Shining Path and MRTA, fueling a vicious guerrilla war which has resulted in two thirds of the country being placed under martial law, and left thousands dead since 1980.

Illegal flights by general aviation aircraft are the lifeline of the traffickers' operations. They move narcotics and related contraband, such as chemicals, currency, and weapons into and through Peru and they ferry logistical supplies to production sites and staging areas. In the face of this threat, the Government of Peru lacks the resources to control all of its airspace and to respond when trafficker aircraft land at remote locations outside the effective control of the government. Accordingly, drug smuggling aircraft flagrantly defy Peru's sovereignty, penetrating its borders at will and flying freely throughout the country.

- 3 -

Identification: The PAF will attempt to identify an aircraft as a legitimate flight. This will include determining whether the aircraft is on a previously filed flight plan and by attempting to establish radio communication with the aircraft. When control centers (ground and/or air radars) detect an overflight of any aircraft, they will attempt to identify it through correlation of flight plans and by electronic means--through use of IFF or radio communications.

Intercept: If the PAF determines that an aircraft flying in the ADIZ is not on a previously approved flight plan, and if it is not possible to establish communication and confirm the aircraft's identification as an innocent aircraft, the Commanding General of the Peruvian Air Force Sixth Territorial Air Region (VI RAT) may direct the launch of interceptor aircraft to visually identify the aircraft, verify its registry, attempt to establish radio contact, and, if necessary, cause the aircraft to proceed to a safe and adequate air strip where the PAF will require the aircraft to land -- using intercept procedures consistent with International Civil Aviation Organization guidelines.

If radio communication is established during the intercept, but the PAF is not satisfied that the aircraft is on a legitimate mission, the PAF may direct the aircraft to land at a safe and adequate air strip. If radio contact is not possible, the PAF pilot must use a series of internationally recognized procedures to make visual contact with the suspect aircraft and to direct the aircraft to follow the intercepting aircraft to a secure airfield for inspection.

Use of Weapons: If the aircraft continues to ignore the internationally recognized instructions to land, the PAF pilot -- only after gaining permission of the Commanding General of the VI RAT or in his absence the Chief of Staff -- may fire warning shots in accordance with specified PAF procedures. If these are ignored, and only after again obtaining the approval of the Commanding General of the VI RAT or in his absence the Chief of Staff, the PAF pilot may use weapons against the trafficking aircraft with the goal of disabling it. Finally, if such fire does not cause the intercepted pilot to obey PAF instructions, the VI RAT commander may order the trafficker aircraft shot down.

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NO. 162 P. 6

- 4 -

The final decision to use force against civil aircraft in flight -- once all other steps have been exhausted -- requires authorization from the VI RAT Commander -- or in his absence his Chief of Staff -- who will verify that all appropriate procedures have been fulfilled.

Peruvian air interdiction procedures also protect against innocent loss of life on the ground. The decision to fire at an aircraft requires approval of the Commander of the Peruvian Air Force Sixth Territorial Air Region -- or his Chief of Staff. These procedures do not contemplate the use of weapons against an aircraft flying over a populated area. The ADIZ in Peru covers areas which are very sparsely populated.

With respect to interceptors firing against trafficking aircraft on the ground, the procedures are similar to those for an aircraft in flight. When a pilot encounters a suspect aircraft on the ground, he must attempt to establish radio communication with the aircraft and employ visual signals which are also observable by any other persons on the ground in the vicinity. Only in response to armed attack or in the event that the aircraft attempts to take off after communication, identification, and warning procedures have been completed may the VI RAT commander authorize use of weapons to disable the aircraft if there is no risk to innocent bystanders.

The Peruvian procedures are designed to identify for interception aircraft that are likely to be engaged in drug trafficking and, for aircraft so intercepted, to provide proper notice that they are required to land. These procedures minimize the risk of misidentification. Any decision to fire on civil aircraft, and the procedures and events leading to it, will subsequently be reviewed by the GOP pursuant to legal provisions and sanctions available to it against any GOP official who deviates from established procedures.

The USG and GOP jointly operate all radar facilities and the Sixth Territorial Air Region command center in Peru. Peruvian personnel accompany most USG airborne tracking platforms overflying Peru. As part of their standard operating instructions, all official USG personnel in jointly manned facilities and platforms will regularly monitor compliance with agreed procedures and immediately report irregularities through their chain of command. Should there be evidence suggesting that procedures are not being followed, the USG will reevaluate whether Peru has appropriate procedures to protect against the loss of innocent life.

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Memorandum of Justification for
Presidential Determination Regarding the
Resumption of U.S. Aerial Tracking Information Sharing
and Other Assistance to the Government of Peru

Section 1012 of the National Defense Authorization Act for Fiscal Year 1995 provides that "[n]otwithstanding any other provision of law, it shall not be unlawful for authorized employees or agents of a foreign country . . . to interdict or attempt to interdict an aircraft in that country's territory or airspace if-

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(A) interdiction is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that country; and

(B) the country has appropriate procedures in place to protect against innocent loss of life in the air and 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."

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Illegal flights by general aviation aircraft are the lifeline of the traffickers' operations. They move narcotics and related contraband, such as chemicals, currency, and weapons into and through Peru and they ferry logistical supplies to production sites and staging areas. In the face of this threat, the Government of Peru lacks the resources to control all of its airspace and to respond when trafficker aircraft land at remote locations outside the effective control of the government. Accordingly, drug smuggling aircraft flagrantly defy Peru's sovereignty, penetrating its borders at will and flying freely throughout the country.

In response to this clear threat to national security, the Government of Peru authorized its Air Force to use force, if necessary, to control narcotics smuggling aircraft over its territory. Initiated in early 1991, the policy has deterred narcotics smuggling flights.

On May 1, 1994, the U.S. Department of Defense ceased providing real-time intelligence to the Government of Peru. Based on an interagency legal review, the Department of Justice subsequently advised that U.S. domestic criminal law could be interpreted to preclude sharing of intelligence with countries that used this information to shoot down civil aviation aircraft. The lack of intelligence has severely hindered Peru's efforts to stop the drug production and trafficking that threaten its national security. Section 1012 of U.S. Public Law 103-337 (the 1995 National Defense Authorization Act) was enacted specifically to address legal concerns relating to the sharing of intelligence.

Peruvian decree law no. 25426, dated April 9, 1992, contemplates the use of arms against narcotics trafficking civil aircraft under very restricted conditions and only in a specially declared Air Defense Identification Zone (ADIZ) comprising Peruvian territory east of the crest of the Andes mountain chain.

The GOP has established rigorous procedures to ensure adequate protection against the loss of innocent life. The procedures 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. The procedures are summarized below:

It is the national policy of Peru that narco-trafficking aircraft are by their nature "hostile" to Peruvian national security; the use of weapons against such aircraft in flight by the Peruvian Air Force may be authorized under very strict conditions after all attempts to identify innocent aircraft and to persuade the suspect aircraft to land at a controlled airfield have been exhausted. The U.S. Government knows of no instance in which Peruvian Air Force aircraft have deviated from the procedures described below. The GOP has placed additional conditions and controls on the use of such force -- specifically prohibiting attacks on commercial passenger aircraft.

Peru's air interdiction procedures are in four phases:

- **Detection:** U.S. and/or Peruvian Air Force (PAF) detection and monitoring systems find and track any aircraft passing through the specially designated ADIZ airspace during hours of daylight. (All general aviation traffic not operating on a regular schedule along established routes is prohibited in the ADIZ during hours of darkness.)

- **Identification:** The PAF will attempt to identify an aircraft as a legitimate flight. This will include determining whether the aircraft is on a previously filed flight plan and by attempting to establish radio communication with the aircraft. When control centers (ground and/or air radars) detect an overflight of any aircraft, they will attempt to identify it through correlation of flight plans and by electronic means--through use of IFF or radio communications.
- **Intercept:** If the PAF determines that an aircraft flying in the ADIZ is not on a previously approved flight plan, and if it is not possible to establish communication and confirm the aircraft's identification as an innocent aircraft, the Commanding General of the Peruvian Air Force Sixth Territorial Air Region (VI RAT) may direct the launch of intercept aircraft to visually identify the aircraft, verify its registry, attempt to establish radio contact, and, if necessary, cause the aircraft to proceed to a safe and adequate air strip where the PAF will require the aircraft to land -- using intercept procedures consistent with International Civil Aviation Organization guidelines.

If radio communication is established during the intercept, but the PAF is not satisfied that the aircraft is on a legitimate mission, the PAF may direct the aircraft to land at a safe and adequate air strip. If radio contact is not possible, the PAF pilot must use a series of internationally recognized procedures to make visual contact with the suspect aircraft and to direct the aircraft to follow the intercepting aircraft to a secure airfield for inspection.

- **Use of Weapons:** If the aircraft continues to ignore the internationally recognized instructions to land, the PAF pilot -- only after gaining permission of the Commanding General of the VI RAT or in his absence the Chief of Staff -- may fire warning shots in accordance with specified PAF procedures. If these are ignored, and only after again obtaining the approval of the Commanding General of the VI RAT or in his absence the Chief of Staff, the PAF pilot may use weapons against the trafficking aircraft with the goal of disabling it. Finally, if such fire does not cause the intercepted pilot to obey PAF instructions, the VI RAT commander may order the trafficker aircraft shot down.

The final decision to use force against civil aircraft in flight -- once all other steps have been exhausted -- requires authorization from the VI RAT Commander -- or in his absence his Chief of Staff -- who will verify that all appropriate procedures have been fulfilled.

Peruvian air interdiction procedures also protect against innocent loss of life on the ground. The decision to fire at an aircraft requires approval of the Commander of the Peruvian Air Force Sixth Territorial Air Region -- or his Chief of Staff. These procedures do not contemplate the use of weapons against an aircraft flying over a populated area. The ADIZ in Peru covers areas which are very sparsely populated.

With respect to interceptors firing against trafficking aircraft on the ground, the procedures are similar to those for an aircraft in flight. When a pilot encounters a suspect aircraft on the ground, he must attempt to establish radio communication with the aircraft and employ visual signals which are also observable by any other persons on the ground in the vicinity. Only in response to armed attack or in the event that the aircraft attempts to take off after communication, identification, and warning procedures have been completed may the VI-RAT commander authorize use of weapons to disable the aircraft if there is no risk to innocent bystanders.

The Peruvian procedures are designed to identify for interception aircraft that are likely to be engaged in drug trafficking and, for aircraft so intercepted, to provide proper notice that they are required to land. These procedures minimize the risk of misidentification. Any decision to fire on civil aircraft, and the procedures and events leading to it, will subsequently be reviewed by the GOP pursuant to legal provisions and sanctions available to it against any GOP official who deviates from established procedures.

The USG and GOP jointly operate all radar facilities and the Sixth Territorial Air Region command center in Peru. Peruvian personnel accompany most USG airborne tracking platforms overflying Peru. As part of their standard operating instructions, all official USG personnel in jointly manned facilities and platforms will regularly monitor compliance with agreed procedures and immediately report irregularities through their chain of command. Should there be evidence suggesting that procedures are not being followed, the USG will reevaluate whether Peru has appropriate procedures to protect against the loss of innocent life.

*Central Intelligence Agency
Inspector General*

REPORT OF INVESTIGATION



PROCEDURES USED IN NARCOTICS AIRBRIDGE DENIAL
PROGRAM IN PERU, 1995-2001

25 August 2008

*John L. Helgerson
Inspector General*

*Assistant Inspector General
for Investigations*

APPROVED FOR RELEASE DATE: 1-Nov-2010

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TABLE OF CONTENTS

	Page
INTRODUCTION.....	1
SUMMARY.....	4
PROCEDURES AND RESOURCES.....	10
ISSUES PRESENTED.....	13
FINDINGS.....	15
<i><u>PART I: CONDUCT OF THE AIRBRIDGE DENIAL PROGRAM, 1995-2001</u></i>	15
<i>LEGAL AUTHORITIES AND PROCEDURES FOR CONDUCTING INTERCEPTIONS</i>	15
<i>PROGRAM OPERATIONS</i>	18
<i>INTERCEPT PHASES</i>	21
<i>STANDARD OPERATING PROCEDURES, 1995 TO 2001</i>	24
<i>THE SHOOTDOWNS, 1995-2001</i>	30
<i>FIRST SHOOTDOWN, 16 MAY 1995</i>	31
<i>SECOND SHOOTDOWN, 23 JUNE 1995</i>	41
<i>THIRD SHOOTDOWN, 14 JULY 1995</i>	44
<i>FOURTH SHOOTDOWN, 21 JULY 1995</i>	49

~~SECRET~~ / []

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<i>FIFTH SHOOTDOWN, 17 AUGUST 1995</i>	<i>55</i>
<i>SIXTH SHOOTDOWN, 13 NOVEMBER 1995.....</i>	<i>60</i>
<i>SEVENTH SHOOTDOWN, 27 NOVEMBER 1995.....</i>	<i>64</i>
<i>EIGHTH SHOOTDOWN, 8 JULY 1996</i>	<i>67</i>
<i>NINTH SHOOTDOWN, 23 MARCH 1997.....</i>	<i>71</i>
<i>TENTH SHOOTDOWN, 4 AUGUST 1997.....</i>	<i>75</i>
<i>ELEVENTH SHOOTDOWN, 17 AUGUST 1997.....</i>	<i>82</i>
<i>TWELFTH SHOOTDOWN, 6 OCTOBER 1997.....</i>	<i>94</i>
<i>THIRTEENTH SHOOTDOWN, 12 OCTOBER 1997.....</i>	<i>101</i>
<i>FOURTEENTH SHOOTDOWN, 17 JULY 2000.....</i>	<i>107</i>
<i>FIFTEENTH SHOOTDOWN, 20 APRIL 2001:</i>	
<i>THE MISSIONARY PLANE.....</i>	<i>114</i>
<i>SUMMATION.....</i>	<i>119</i>
<i>INTERVIEWS WITH KEY AGENCY PARTICIPANTS.....</i>	<i>121</i>
<i><u>PART II: CIA'S ROLE IN INVESTIGATIONS OF THE CONDUCT OF</u></i>	
<i><u>THE AIR INTERDICTION PROGRAM, 2001-2005.....</u></i>	<i>202</i>
<i>CIA STATEMENTS IMMEDIATELY FOLLOWING THE MISSIONARY</i>	
<i>SHOOTDOWN</i>	<i>203</i>
<i>INTERNAL CIA EXAMINATIONS OF CONDUCT OF AIR INTERDICTION</i>	
<i>PROGRAM</i>	<i>206</i>
<i>PERU TASK FORCE AND PERU SENIOR STEERING GROUP</i>	<i>206</i>
<i>CIA'S INTERNAL ACCOUNTABILITY REVIEW.....</i>	<i>229</i>

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CIA REPORTING TO CONGRESS AND THE NSC..... 234

EXTERNAL EXAMINATIONS OF CONDUCT OF AIRBRIDGE DENIAL PROGRAM 243

THE INTERAGENCY REVIEW GROUP 243

THE SSCI INVESTIGATION..... 244

CIA REPORTING TO THE NATIONAL SECURITY COUNCIL 247

ROLE OF THE OFFICE OF GENERAL COUNSEL IN CIA'S EXAMINATIONS OF THE AIR INTERDICTION PROGRAM..... 252

CONCLUSIONS.....267

RECOMMENDATIONS.....287

EXHIBITS

A. *Presidential Determination 95-9 (PD 95-9), Resumption of U.S. Drug Interdiction Assistance to the Government of Peru, and Memorandum of Justification*

B. *CIA Accountability Standards*

**A Review of United States Assistance to Peruvian Counter-Drug
Air Interdiction Efforts and the Shootdown of a Civilian Aircraft
on April 20, 2001**

REPORT

of the

**SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE**

October 2001

BACKGROUND

On the morning of April 20, 2001, a Peruvian Air Force A-37 fighter engaged in counter-drug operations over northeastern Peru fired on and disabled a suspected drug trafficking aircraft. The single engine float plane actually was owned and operated by the Association of Baptists for World Evangelism and was carrying missionaries returning to their homes in Iquitos, Peru. One of the missionaries, Veronica Bowers, and her infant daughter Charity were killed by the gunfire. A bullet also hit the pilot, Kevin Donaldson, shattering two bones in his leg. Mrs. Bowers' husband Jim and son Cory survived the attack. The damaged float plane made an emergency landing on the Amazon River about 80 miles from Iquitos, Peru. The missionary's plane had been tracked by a Cessna Citation owned by the U.S. military and operated by the U.S. Central Intelligence Agency (CIA) as part of a bi-national drug interdiction program.

NATURE OF THE INTELLIGENCE COMMITTEE'S REVIEW

The Committee has held one closed hearing and a closed briefing concerning the Peru shutdown. On April 24, 2001, the Committee heard testimony from George Tenet, Director of Central Intelligence. Director Tenet was accompanied by the Chief of the CIA's Latin American Division and the Chief of the CIA's Military and Special Programs Division. On May 10, Committee members and staff met to view the videotape and transcript of the shutdown and were briefed by CIA officials. On July 26, the Committee staff received an on-the-record briefing from Assistant Secretary of State Rand Beers who summarized the results of the joint American-Peruvian investigation of the shutdown.

Committee staff conducted interviews with executives and personnel from: the CIA, the Department of State, the Department of Defense, the Customs Service, the Drug Enforcement Administration, the Office of National Drug Control Policy (ONDCP), the Peruvian Air Force, Peru's aeronautical agency and the Association of Baptists for World Evangelism (ABWE). Individuals interviewed included: the American crew of the Citation tracker aircraft, Mr. Kevin Donaldson and Mr. James Bowers, and ground personnel in Peru. The Peruvian authorities did not permit Committee staff to interview the host nation rider, the interceptor pilots, the Peruvian Officer in Charge on the day of shutdown, or the Commanding General of the Peruvian Air Force Sixth Territorial Air Region who authorized the shutdown. The Peruvians denied the interview request because there are pending judicial proceedings against the Peruvian pilots and the host nation rider. The Peruvians had made all of the officers available to the joint Peruvian/American investigation team. In order to complete their interviews and review of relevant evidence, Committee staff traveled to the headquarters of both the U.S.

Southern Command and the Joint Interagency Task Force East (JIATF-E), the Peruvian cities of Lima, Pulcallpa, and Iquitos and to ABWE Headquarters in Harrisburg, Pa.

The Committee made oral and written requests to the agencies named above for information relevant to the inquiry. Committee staff has been able to review substantial material provided by the CIA and smaller but significant amounts of material provided by the Department of State, the Department of Defense and the ONDCP.

The Committee owes a particular debt of gratitude to Mr. Bowers and Mr. Donaldson for their willingness to meet with Committee staff and review the events leading up to the April 20 tragedy. These two individuals suffered a loss of incomprehensible magnitude, yet they recounted the events with clarity and precision making an invaluable contribution to the Committee's understanding of this terrible episode. Without their cooperation the Committee's work would have been incomplete.

HISTORY OF THE PROGRAM

The United States runs a large and multi-pronged counter-drug program in Peru. According to officials at the U.S. Embassy the program is based on four pillars – interdiction, eradication, alternative development, and demand reduction. Most, if not all sections of the Embassy contribute to this effort. The Drug Enforcement Agency has primary responsibility for interdiction efforts through its liaison relationship with the Peruvian National Police. The State Department Narcotics Affairs Section supports Peruvian manual eradication efforts while the Agency for International Development focuses on alternative development. Various elements of the U.S. military also provide support to the interdiction effort through training and materiel support. This includes efforts to upgrade the Peruvian military's interdiction capabilities.¹

Throughout the cocaine epidemic of the 1980s and into the early 1990s Peru was the largest producer of coca leaf, the raw material for cocaine, in the world. In 1992, Peruvian cultivation peaked at 129,100 hectares and accounted for 61 percent of the world's coca.² Traditionally the coca leaf was refined into cocaine base in Peru before being transported to Colombia for final processing and shipment to the world's markets, primarily the United States. Given the remoteness of the coca growing areas in the Peruvian jungle and the lack of transportation infrastructure, smuggling by air was the

¹ SSCI staff interviews with U.S. Embassy Country Team, Lima, Peru, 6/21/01.

² ONDCP Table 1: Net Coca Cultivation, 7/20/01

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Date Printed: 03/13/1998 DOC_NUMBER: 94LIMA04052

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PAGE 01 LIMA 04052 042211Z
ACTION INM-02

INFO LOG-00 AMAD-01 ARA-01 DEAE-00 OASY-00 TEDE-00 INR-00
ADS-00 SS-00 /004W

-----433F25 042211Z /38

O 042215Z MAY 94
FM AMEMBASSY LIMA
TO SECDEF WASHDC//SO-LIC/DEP&S// IMMEDIATE
INFO SECSTATE WASHDC//ARA/INM// IMMEDIATE 6724
AMEMBASSY LA PAZ
USCINCSO QUARRY HEIGHTS PM//SCCC/POLAD//

UNCLAS LIMA 04052

SECDEF FOR PDAS CONNOLLY AND DAS SHERIDAN FROM AMBASSADOR

E.O. 12356: N/A
TAGS: SNAR, PE
SUBJECT: YOUR PROPOSED VISIT TO PERU
REF: LIMA 3933 *N*

1. WHEN THE EMBASSY GRANTED COUNTRY CLEARANCE FOR YOUR PROPOSED MAY 18-20 VISIT, THE DIFFICULTY ENGENDERED BY THE MAY 1 SUSPENSION BY DOD OF SHARING RADAR TRACK DATA WITH THE GOP HAD NOT YET ARISEN. IN THE NEW CIRCUMSTANCES THAT NOW PERTAIN, I BELIEVE WE MUST REVISIT YOUR PROPOSAL.

2. I UNDERSTAND A MAIN FOCUS WOULD HAVE BEEN DOD'S
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PAGE 02 LIMA 04052 042211Z
VALUABLE HELP TO PRESERVE THE INM-OWNED POLICE HELICOPTER UNIT, AND YOUR PRIMARY ACTIVITIES WOULD HAVE BEEN DISCUSSIONS WITH EMBASSY STAFF AND A FIELD VISIT TO PUCALLPA AND MAZAMARI. NEVERTHELESS, INCOMPREHENSION AND FRUSTRATION ON THE PART OF THE PERUVIAN ARMED FORCES HAS FOLLOWED OUR SUSPENSION OF RADAR TRACK DATA SHARING. OUR INABILITY TO DEFINE A RELIABLE USG POLICY LEAVES US UNABLE TO AUTHORITATIVELY RESOLVE THE CURRENT UNCERTAINTY ABOUT THIS ASPECT OF DOD COUNTERNARCOTICS COOPERATION. SO LONG AS THIS REMAINS THE CASE, I FEAR IT WOULD BE UNTIMELY FOR

Page - 1

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Date Printed: 03/13/1998 DOC_NUMBER: 94LIMA04052 CHANNEL: n/a 37

RANKING DOD OFFICIALS TO ARRIVE IN PERU, EVEN IF NO OFFICIAL CONTACT WITH HIGH-LEVEL GOP OFFICIALS IS INVOLVED.

3. I THUS ASK THAT YOU POSTPONE YOUR PLANNED PERU VISIT AT THIS TIME. I APPRECIATE YOUR CONSIDERATION OF THE DIFFICULT POSITION IN WHICH THE EMBASSY CURRENTLY FINDS ITSELF. ONCE UNCERTAINTY ON THE RADAR DATA/FORCEDOWN POLICY ISSUE IS RESOLVED, I WILL BE MOST PLEASED IF YOU COULD RESCHEDULE YOUR VISIT. ADAMS

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NNNN

*** Current Handling Restrictions *** n/a
*** Current Classification *** UNCLASSIFIED

(E6)

PAGE 01 LIMA 04197 01 OF 02 091733Z
ACTION INM-02

INFO	LOG-00	ACDA-17	ACDE-00	AID-01	AMAD-01	ARA-01	CG-00
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	FBIE-00	TEDE-00	INR-00	IO-16	JUSE-00	L-01	ADS-00
	NSAE-00	OIC-02	OMB-01	PM-00	P-01	.SP-00	SS-00
	TRSE-00	USIE-00	FMP-00	PMB-00	/046W		

-----44D1BA 091734Z /38

O 091736Z MAY 94
 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC IMMEDIATE 6810
 INFO SECDEF WASHDC//DEP&S/RSA-IA//
 JOINT STAFF WASHDC//J3-CNOD//
 DIRONDCP WASHDC
 CIA WASHDC
 USCUSTOMS WASHDC
 AMEMBASSY BOGOTA
 AMEMBASSY LA PAZ
 AMEMBASSY QUITO
 USCINCSO QUARRY HEIGHTS PM//SCCC/SCJ3/POLAD//
 USCINCSO HOWARD AFB PM//SCJ3-DDD//

SECTION 01 OF 02 LIMA 04197

E.O. 12356: DECL:OADR
 TAGS: SNAR, MOPS, EAIR, FBTS, US, PE
 SUBJECT: SUSPENSION OF PROVISION OF DOD
 - REAL-TIME RADAR TRACK DATA TO PERU

PAGE 02 LIMA 04197 01 OF 02 091733Z
 REF; LIMA 3975 DTG 022321Z MAY 94

1. SECRET - ENTIRE TEXT.
2. AS REPORTED PARA 7 REPTTEL, ON APRIL 28, CHARGE SENT A LETTER TO GOP MINISTER OF DEFENSE NOTING THAT USG POLICY CONCERNING SHARING OF INFORMATION RELATING TO AIRCRAFT KNOWN OR SUSPECTED OF DRUG TRAFFICKING WAS UNDER REVIEW, AND ASKING WHETHER THE DEFENSE MINISTRY WOULD

ASSURE THE EMBASSY THAT THE GOP WOULD NOT USE WEAPONS AGAINST A CIVIL AIRCRAFT IN FLIGHT.

3. ON MAY 6, EMBASSY RECEIVED A RESPONSE TO THIS LETTER, WHICH IS QUOTED IN INFORMAL EMBASSY TRANSLATION AS FOLLOWS:

BEGIN QUOTE:

LIMA, 06 MAY 1994

MINISTRY OF DEFENSE

NO. 2326 SGMD-D

MR. CHARLES H. BRAYSHAW
CHARGE D'AFFAIRES OF THE
EMBASSY OF THE UNITED STATES OF NORTH AMERICA

SUBJECT: ABSTENTION FROM USE OF ARMED FORCE
AGAINST CIVIL AIRCRAFT

PAGE 03 LIMA 04197 01 OF 02 091733Z

REFERENCE: YOUR LETTER OF 28 APRIL 1994

I HAVE THE HONOR TO ADDRESS YOU IN REGARD TO THE DOCUMENT UNDER REFERENCE IN ORDER TO INFORM YOU THAT THIS MINISTRY SUGGESTS THAT FLIGHTS OVER PERUVIAN TERRITORY OF CIVIL AIRCRAFT ("AVIONES CIVILES") OF THE U.S. COMMITTED TO INTELLIGENCE OPERATIONS FOR INFORMATION PROVIDED BY THE UNITED STATES DEPARTMENT OF DEFENSE BE TEMPORARILY SUSPENDED, AND A TEMPORARY SUSPENSION IN THE OPERATION OF THE RADAR LOCATED IN YURIMAGUAS, WHILE THE NORTH AMERICAN GOVERNMENT TAKES A DEFINITIVE DECISION WITH REGARD TO POLICY CONCERNING SHARING WITH OTHER GOVERNMENTS OF REAL TIME TRACK DATA REGARDING THE OPERATION OF AIRCRAFT DETECTED BY MEANS OF THE UNITED STATES DEPARTMENT OF DEFENSE.

SIMILARLY, IT IS PERTINENT TO EMPHASIZE THE DECISION OF THE PERUVIAN GOVERNMENT TO CONTINUE TO FRONTALLY COMBAT, WITH THE MEANS OF WHICH IT

ITSELF DISPOSES, AGAINST ILLICIT TRAFFICKING IN DRUGS WITHIN THE PARAMETERS OF ITS INTERNAL LEGAL REGIME IN FORCE AND IN RECOGNITION OF THE SPIRIT EXPRESSED IN ARTICLE I - "SOVEREIGNTY" CHAPTER I, FIRST PART OF THE CHICAGO CONVENTION OF DECEMBER 7, 1944, WHICH STATES: "THE CONTRACTING STATES RECOGNIZE THAT EVERY STATE HAS FULL AND EXCLUSIVE SOVEREIGNTY IN THE AIRSPACE SITUATED OVER ITS TERRITORY."

PAGE 04 LIMA 04197 01 OF 02 091733Z

I TAKE THIS OPPORTUNITY TO RENEW THE ASSURANCES OF MY HIGHEST CONSIDERATION.

VICTOR MALCA VILLANUEVA
GENERAL
MINISTER OF DEFENSE

END QUOTE.

4. COMMENT: EMBASSY ASSUMES THAT THE REFERENCE TO "CIVIL" AIRCRAFT OF THE U.S. IN THE FIRST PARA IS INADVERTENT, AND INTERPRETS THIS AS

NNNN

PAGE 01 LIMA 04197 02 OF 02 091734Z
ACTION INM-02

INFO LOG-00 ACDA-17 ACDE-00 AID-01 AMAD-01 ARA-01 CG-00

Date Printed: 03/13/1998 DOC_NUMBER: 94LIMA04197 CHANNEL: n/a 39

C-01	DEAE-00	OASY-00	DINT-01	DOTE-00	EB-01	FAAE-00
FBIE-00	TEDE-00	INR-00	IO-16	JUSE-00	L-01	ADS-00
NSAE-00	OIC-02	OMB-01	PM-00	P-01	SP-00	SS-00
TRSE-00	USIE-00	FMP-00	PMB-00	/046W		
				-----44D1EA	091734Z	/38

O 091736Z MAY 94
 FM AMEMBASSY LIMA
 TO SECSTATE WASHDC IMMEDIATE 6811
 INFO SECDEF WASHDC//DEP&S/RSA-IA//
 JOINT STAFF WASHDC//J3-CNOD//
 DIRONDCP WASHDC
 CIA WASHDC
 USCUSTOMS WASHDC
 AMEMBASSY BOGOTA
 AMEMBASSY LA PAZ
 AMEMBASSY QUITO
 USCINCSO QUARRY HEIGHTS PM//SCCC/SCJ3/POLAD//
 USCINCSO HOWARD AFB PM//SCJ3-DDD//

SECTION 02 OF 02 LIMA 04197

E.O. 12356: DECL:OADR
 TAGS: SNAR, MOPS, EAIR, PBTS, US, PE
 SUBJECT: SUSPENSION OF PROVISION OF DOD
 INTENDED REFERENCE TO U.S. DOD AIRCRAFT WHICH
 HAVE BEEN CONDUCTING COUNTERNARCOTICS DETECTION

PAGE 02 LIMA 04197 02 OF 02 091734Z
 AND MONITORING AND INTELLIGENCE COLLECTION
 MISSIONS IN PERUVIAN AIRSPACE.

5. COPIES OF LETTER WILL BE FAXED TO USSOUTHCOM
 AND ARA/AND. ADAMS##

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EXCISE

MM-4

To C. Wirth 5/9
for 5/10 mtg. w/ Secretary

P
B1

TALKING POINTS: IMPLICATION OF DOD'S FORCEDOWN DECISION

Issue and Background:

cc.
R56
INM/P
BW

On May 1, DOD unilaterally suspended the provision of "real time" tracking information on suspected narcotics smuggling aircraft to the Governments of Colombia and Peru, a move that has undercut our counternarcotics efforts and damaged our credibility in the hemisphere.

- DOD's decision is a reaction to GOC and GOP policy to fire on suspected narcotics aircraft that refuse to obey internationally recognized signals ordering them to land.
- It is based on DOD's belief--supported by L--that any use of weapons against civil aircraft is a violation of international law, and that by providing intelligence linked to a shoot-down, DOD would be complicit in such a violation.
- DOD's action occurred as USG agencies, through the INM-chaired IWG, were examining how to respond to the Colombia and Peru policies.

Dept. of State, RPS/IPS, Margaret R Grafeld, Dir.
() Release (X) Excise () Deny () Declassify
Date 12/12/2000 Exemption B1

Reaction and Implications:

Our Embassies were caught completely off-guard but immediately conveyed the orders to the host governments which were stunned and have responded swiftly and angrily. Several of our fundamental foreign policy and narcotics control interests are now at risk.

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- 2 -

The withdrawal from the air interdiction effort projects to our Latin American allies an image of weakness and of a USG in retreat.

- [] told Ambassador Busby that the US has become "an unreliable partner in a very serious business" and that this action will add to growing anti-American sentiment among the Colombian public.
- Ambassador Adams in Peru predicts the decision will provoke more tensions and disrupt counternarcotics programs and other areas of cooperation.

The decision []

- It sends a "green light" to traffickers and eases the shipment of drugs to the United States. Colombia asserts that air trafficking has already increased since the decision went into effect.

We will likely face a bipartisan backlash on the Hill.

- The decision will be characterized as a "soft on drugs" policy by the interdiction supporters.
- It will also be attacked by our supporters as a retreat from the President's policy that pledges to support those countries who demonstrate a commitment to narcotics control, seeks to build host nation counternarcotics institutions, and shifts the focus of interdiction from transit zones to source countries.

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- 3 -

Outlook:

The Department needs to develop a position on the policy as well as legal implications of DOD's decision soon.

- The NSC will call a DC meeting this week.
- A decision memo with opposing views--L and EB versus INM and ARA--is on its way.
- We must find a way to restore our credibility and have an effective counternarcotics policy in the hemisphere.

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Drafted by: INM/PC - SLPeterson
Cleared: INM - CARCOS *AW*
C - TLoar
Document: SESLP 469
Date: 9 May 94
Phone: 7-0437

UNCLASSIFIED

Declaran en Estado de Emergencia todos los aeropuertos existentes en la Zona de Huallaga y otras donde se siembre coca

DECRETO LEY N° 25426

EL PRESIDENTE DE LA REPUBLICA

POR CUANTO:

El Gobierno de Emergencia y Reconstrucción Nacional

Con el voto aprobatorio del Consejo de Ministros
Ha dado el Decreto Ley siguiente:

Artículo 1°.- Declárese en Estado de Emergencia todos los aeropuertos existente en la Zona del Huallaga y otras donde se siembre coca.

Artículo 2°.- A partir de la fecha, la Fuerza Aérea del Perú asume el control de todos los aeropuertos de las zonas en las que existan sembríos de coca, encargándose la seguridad de los mismos a los Comandos Militares y Policiales que corresponda,

Artículo 3°.- La Fuerza Aérea del Perú procederá a la destrucción de las pistas de aterrizaje clandestinas, utilizando los medios adecuados.

Artículo 4°.- Las Aeronaves nacionales y extranjeras que sobrevuelan el espacio aéreo en estas zonas, serán interceptadas por la Fuerza Aérea del Perú, a los efectos de establecer su identificación, naturaleza del vuelo y destino final. Si la aeronave interceptada se negase a proporcionar la información solicitada, o acatar las disposiciones de la autoridad aérea, será pasible de las medidas interdictivas apropiadas considerándose incluso su derribamiento.

Artículo 5°.- A partir de la fecha, todas las empresas de aviación comercial que operan en dichas zonas, quedan obligadas a empadronarse ante las Autoridades Militares y Policiales correspondientes de las citadas zonas. Si no lo hicieren dentro de los plazos que oportunamente se establezcan, perderán la licencia para operar, aparte de las sanciones pecuniarias que señale el Reglamento.

Artículo 6º.- Las autoridades encargadas del control de los aeropuertos existentes en las zonas cocaleras, llevarán un Registro diario en el que se consigne:

a) Relación de la matrícula, características y motivo del vuelo, de salida o llegada de cada aeronave.

b) Nombre del piloto, tripulación y pasajeros si los hubiere.

c) Relación de la carga de transporta, indicando su peso, características, contenido, nombre y dirección del remitente y su destinatario.

d) Se consignará en la Relación, si es que se trasladan valores (dinero, joyas, etc.) especificando su procedencia, monto y denominación, nombre de la persona que los transporta y del destinatario si lo hubiere.

La relación indicada tiene la calidad de Acta y será suscrita por la autoridad responsable del aeropuerto, por el piloto de la aeronave y por el funcionario civil de mayor jerarquía, quienes asumen responsabilidad solidaria por el contenido y veracidad de los datos consignados.

Artículo 7º.- El presente Decreto Ley entrará en vigencia al día siguiente de su publicación en el Diario Oficial "El Peruano".

Dado en la Casa de Gobierno, en Lima, a los nueve días del mes de abril de mil novecientos noventa y dos.

ALBERTO FUJIMORI FUJIMORI
Presidente Constitucional de la República.

OSCAR DE LA PUENTE RAYGADA
Presidente del Consejo de Ministros y Ministro de Vivienda y Construcción.

AUGUSTO BLACKER MILLER
Ministro de Relaciones Exteriores.

VICTOR MALCA VILLANUEVA
General de División EP.
Ministro de Defensa.

CARLOS BOLONA BEHR
Ministro de Economía y Finanzas.

JUAN BRIONES DAVILA
General de División EP.
Ministro del Interior.

FERNANDO VEGA SANTA GADEA
Ministro de Justicia.

VICTOR PAREDES GUERRA
Ministro de Salud.

ABSALLON VASQUEZ VILLANUEVA
Ministro de Agricultura.

VICTOR JOY WAY ROJAS
Ministro de Industria, Comercio Interior, Turismo e Integración.

JAIME YOSHIYAMA TANAKA
Ministro de Energía y Minas.

AUGUSTO ANTONIOLI VASQUEZ
Ministro de Trabajo y Promoción Social.

ALFREDO ROSS ANTEZANA
Ministro de Transportes y Comunicaciones.

JAIME SOBERO TAIRA
Ministro de Pesquería.

POR TANTO:

Mando se publique y cumpla.

En Lima, a los nueve días del mes de abril de mil novecientos noventa y dos

ALBERTO FUJIMORI FUJIMORI
Presidente Constitucional de la República.

OSCAR DE LA PUENTE RAYGADA
Presidente del Consejo de Ministros y Ministro de Vivienda y Construcción.

VICTOR MALCA VILLANUEVA
General de División EP.
Ministro de Defensa.

JUAN BRIONES DAVILA
General de División EP.
Ministro del Interior.

02. Cessna A185E, OB-1408.

Matrícula: OB-1408	Año de fabricación: 1966	Categoría/peso: 2250 Kg o menos		
Marca y modelo de la aeronave:	Cessna A185 E			
Núm. De motores/ marca y modelo:	01/ Teledyne Continental IO-550-D			
Fecha: 20-04-2001	Hora UTC: 15:55	Provincia: Loreto		
Lugar del suceso: Localidad de Huanta				
Lesiones	Muertos	Graves	Leves/lles.	Piloto al mando (licencia): Piloto Comercial
Tripulación		01		Edad: 42 Total horas de vuelo: 1135:18
Pasajeros	02			Tipo de operación: RAP 91
Otros			02	Fase de operación: Crucero
Daños a la aeronave: aeronave baleada y quemada				Tipo de suceso: Accidente

DESCRIPCIÓN DEL SUCESO

El día 20 de Abril del 2001, la aeronave Cessna A 185E, con matrícula OB-1408 y perteneciente a la Asociación Bautista de Evangelización Mundial, partió desde la localidad de Islandia con destino Iquitos. La aeronave se encontraba operando bajo la RAP parte 91 y llevaba como pasajeros a dos adultos, un niño y un infante.

Aproximadamente a la altura de la localidad de Pevas la aeronave es interceptada por una aeronave Cessna A 37B perteneciente a la Fuerza Aérea del Perú, la cual abrió fuego contra la OB-1408 ocasionándole daños mayores e incendio a bordo de la aeronave. Como resultado de este suceso la aeronave es derribada a la altura de la localidad de Huanta, pereciendo un adulto y un infante, y quedando gravemente herido el piloto.

CONCLUSIONES

Derribo de la aeronave Cessna A 185E, OB-1408 a consecuencia de los impactos de bala recibidos en zonas vitales del fuselaje; disparos hechos por el arma General Dynamics GAU-2B/A "minigun" de 7.62 mm, instalada en la aeronave interceptora (interdictora) Cessna A-37B de la Fuerza Aérea del Perú.

Incumplimiento por parte de los tripulantes de la aeronave interceptora Cessna A-37B y de los organismos involucrados y encargados de la interceptación de aeronaves dentro del espacio aéreo peruano, encabezados por la Fuerza Aérea del Perú, de los procedimientos descritos en el Anexo N° 2, Capítulo 3.8, Apéndice 2 y Anexo A de la Organización de Aviación Civil Internacional.

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Versión de la FAP

Ministerio de Defensa
Fuerza Aérea del Perú
Comunicado Oficial
Nº 010-FAP-2001

La Dirección de Información de la Fuerza Aérea del Perú cumple con poner en conocimiento de la opinión pública lo siguiente:

- 1.- Que, el día de hoy a las 10:05 horas, el Sistema de Vigilancia y Control del espacio Aéreo operado en forma conjunta con los Estados Unidos de América, en el marco del Convenio de Lucha Contra el tráfico ilícito de Drogas, detectó la presencia de un avión no identificado y sin plan de vuelo, el cual ingresó a espacio aéreo peruano procedente de territorio brasileño.
- 2.- Frente a tales circunstancias y de acuerdo a los procedimientos establecidos, se activó el Sistema de Intercepción, disponiéndose la salida de una aeronave tipo A-37B, la cual con la asistencia del avión de Vigilancia Aérea procedió a interceptar a la aeronave desconocida.
- 3.- Luego de efectuar los procedimientos internacionales de identificación e interceptación aprobados por la Organización de Aviación Civil Internacional (OACI), a los cuales el piloto de dicha aeronave hizo caso omiso; el avión FAP, en cumplimiento de la función asignada a la fuerza Aérea en el artículo séptimo del Decreto Legislativo Nº 824 de fecha 23 de abril de 1996, procedió como último recurso a disparar, para obligarlo a aterrizar.
- 4.- El piloto de la aeronave interceptada finalmente efectuó un acuatizaje en el río Amazonas, a inmediaciones de la localidad de PEBAS, habiendo fallecido dos personas y quedando heridas tres incluido el piloto, como consecuencia de los hechos señalados.
- 5.- La Fuerza Aérea del Perú dispuso de inmediato el envío de una aeronave de apoyo para el rescate correspondiente, así como una exhaustiva investigación sobre el particular, lamentando profundamente la pérdida de vidas humanas.
- 6.- De otro lado, se procedió de inmediato a dar parte de los hechos a las autoridades correspondientes para las acciones de su competencia.

Lima, 20 de abril del 2001

Dirección de Información de
la Fuerza Aérea del Perú