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Securing Tyrants Or Fostering Reform?

U.S. Internal Security Assistance to
Repressive and Transitioning Regimes

Seth G. Jones, Olga Olikier, Peter Chalk,
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Prepared for the Open Society Institute

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Preface

The United States has historically provided assistance to the security forces of repressive, non-democratic countries that do not share its political ideals. This assistance is intended to improve their ability to deal with threats such as terrorism and perhaps to improve human rights. The security forces in these countries are not accountable to the public, and their activities and approaches are not transparent. This practice of providing assistance to repressive states raises a number of questions, the answers to which have significant policy implications. Has U.S. assistance improved the effectiveness of internal security agencies in countering security threats? Has U.S. assistance improved the accountability and human rights records of these agencies? What is the relationship between improving security and improving accountability and human rights? This study seeks some answers to these questions.

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Summary

This report examines U.S. government assistance to the police and internal security agencies of repressive and transitioning states. Throughout its history, the United States has provided assistance to a number of countries that have not shared its political ideals. Their security forces were not accountable to the public, and their practices and approaches were not transparent. The decision to provide assistance to repressive and autocratic states (and states that are, to varying extents, seeking to transition away from repression) raises a number of questions, the answers to which have significant policy implications. Can U.S. assistance improve the effectiveness of internal security agencies in countering security threats? Has U.S. assistance improved the accountability and human rights records of these agencies? What is the relationship between improving security and improving accountability and human rights?

We believe that security, human rights, and accountability are deeply interconnected. We disagree with those who argue that security interests should trump human rights in situations where states face significant security threats, such as terrorism. We also disagree with those who argue that the United States should *never* provide internal security assistance to repressive states. Our analysis suggests that U.S. efforts to improve the security, human rights, and accountability of repressive internal security forces are often more likely to be successful when states are in the process of a transition from repressive to democratic systems. For example, post-conflict environments, such as those in Afghanistan and El Salvador, can provide an important

“window of opportunity” for the United States and other international actors to exert pressure and encourage change. In the absence of such conditions, it can be significantly more difficult for the United States to improve the security, human rights, and accountability of internal security forces, as the cases of Uzbekistan and Pakistan demonstrate.

Internal security agencies should be judged by their ability to respond effectively to key security threats to the state. In the interest of long-term sustainability, however, they must also be judged by their accountability to their populations and by their commitment and proven capacity to abide by internationally recognized human rights norms. The goals of effectiveness and accountability are interlinked and, if they are realized, mutually reinforcing. There may sometimes be tensions in the short run between security and accountability in countries facing acute threats. In the longer term, however, a focus on one over the other is self-defeating. States whose security forces commit major human rights violations will not be accountable to their populations. Thus, U.S. assistance should be judged by its ability to encourage internal security forces that are effective in dealing with threats, accountable to their populations, and respectful of human rights.

Case Study Findings

We examine four cases in which the United States has provided internal security assistance to repressive or transitioning regimes: El Salvador, Uzbekistan, Afghanistan, and Pakistan. The success of U.S. efforts varies widely among them. The assessment of U.S. assistance to El Salvador focuses on the period after the 1992 Chapultepec Accords, and the Uzbekistan, Afghanistan, and Pakistan cases focus primarily on assistance after September 11, 2001.

In El Salvador, U.S. assistance improved the accountability and human rights practices of the Salvadoran police but did not improve the effectiveness of Salvadoran security forces, as the rate of violent crimes soared. The U.S. Department of Justice and the U.S. military played a critical role in helping dissolve the three military-controlled internal security forces that had reputations for human rights abuses:

the National Guard, the Treasury Police, and the National Police. A single new police force, the National Civilian Police, was created, which established a doctrine that emphasized human rights and civilian leadership. U.S. success was possible because of some leadership buy-in on the part of Salvadoran political leaders, institutional development, and pressure from the United States, the United Nations (UN), and other governments. However, the significant decline in torture and extrajudicial assassinations was accompanied by a major increase in crime rates, including the rate of violent crime, which the local police were unable to stem. The failure to improve the effectiveness of the Salvadoran police demonstrates that human rights and effectiveness must go hand in hand. Both are critical in establishing a viable police and internal security force.

In Uzbekistan, U.S. assistance has had decidedly mixed results. Although some programs appear to have borne fruit, others have little to show despite the effort expended. The programs that focused on counterproliferation, export control, and specific investigatory techniques have been the most effective. The record of improving accountability, transparency, and respect for human rights, however, is disheartening. Recent years have seen increased autocracy and repression by Uzbek officials, including security forces. U.S. counterterrorism assistance to Uzbek internal security forces must be questioned, as some Uzbek counterterrorism units are also the structures that harass and persecute political opponents of the regime. Although the U.S.-Uzbek relationship has shrunk over the past year, some cooperation continues. Insofar as the United States plans to continue (or, in the future, restart) programs in Uzbekistan, it should take steps now to reevaluate and adjust some forms of assistance, even as it puts an end to others. Specifically, the United States should end, reduce, or significantly restructure assistance in areas where it has not achieved positive results. We recommend that

- Any continuing or resumed U.S. counterterrorism cooperation with Uzbekistan should be “fire-walled” from assistance to Uzbek units and structures that are responsible for suppressing politi-

cal dissent (which are often housed under the counterterrorism rubric), or it should be ended.

- Drug Enforcement Administration (DEA) programs for Uzbekistan should be reformulated to incorporate incentives to ensure that the work supported can have a positive impact on broader law enforcement structures.
- Any continuing or resumed assistance in the criminal justice sector should place a greater emphasis on implementation. If laws and legislation do not translate into better conditions for Uzbek citizens, the argument that they create a better environment in and of themselves becomes less and less credible.

In areas where the U.S. government deems that it has a pressing national security need to cooperate with Uzbek internal security forces (such as the counterterrorism divisions of the police) which are implicated in human rights violations and other abuses, information-sharing should be pursued, but assistance should not be provided. Some programs, such as bomb-squad training and counterproliferation assistance, serve the purpose of maintaining a dialogue and a relationship based on mutual interests. Insofar as possible, these should continue. But absent a change of government, the United States should not expect significant results in Uzbekistan. Even a change of government may not improve the climate for reform there. However, the United States should be prepared to assist a future Uzbek regime in creating effective, transparent, and accountable internal security forces if the atmosphere proves conducive in the future.

In Afghanistan, U.S. assistance has somewhat improved the accountability and human rights practices of Afghan police forces, which began from a low baseline in 2001. Although problems remain, the vast majority of serious human rights abuses in the country are committed by insurgent groups such as the Taliban and warlord militias. Progress has been possible because the United States and other states had some leverage in building a new Afghan National Police and Ministry of Interior. They were also able to encourage these reforms in the broader context of political change, in which Afghanistan held democratic elections for president and parliament. This opportunity

was in many ways unique because of Afghanistan's post-conflict environment. However, there is little evidence of an improvement in the effectiveness of Afghan internal security forces. Political violence significantly increased in 2006, as Afghan insurgent groups orchestrated a wave of attacks in the south, the east, and major urban areas. Agencies providing assistance to Afghanistan should not take for granted either the capacity of Afghanistan security forces or their accountability and continuing respect for human rights. These areas must remain a major focus of U.S. assistance, and progress must be monitored, since developing sustainable, effective, and accountable structures will take time. In addition, the United States, other governments, and non-governmental organizations (NGOs) should push ahead on at least three fronts:

- Efforts should continue to seek and establish justice for past Afghan human rights abuses. A truth commission is a potentially viable option, assuming it could achieve at least two objectives: (1) to credibly demonstrate that previous patterns of abuse and impunity are uncompromisingly rejected, and (2) to include meaningful domestic capacity-building in the justice system as part of the process.
- Efforts to remove from power warlords, regional commanders, and organized criminal groups, which pose a threat to security and human rights norms, should be increased. These groups remain strong throughout the country, although the Afghan government has made progress in curbing the power of some of them. A combination of co-optation and enforcement should be pursued.
- Greater reform of Afghanistan's justice system should be encouraged. An ineffective justice system will weaken efforts to reform Afghanistan's internal security system and combat the drug trade. An incompetent judiciary, corruption, and decrepit prison conditions will undermine whatever benefits come from better policing.

We found little evidence that the U.S. government has to date paid significant attention to the implications of its security assistance

to—and cooperation with—Pakistan for the improvement of accountability and human rights. The various U.S. agencies working in Pakistan place different emphasis on improvement in these areas. Moreover, the Pakistani army has responded to U.S. pressure to conduct military operations near the Afghan-Pakistan border by inflicting highly draconian punishments such as home demolition, the seizure of businesses, and the forfeiture of other properties and assets. This may have long-term repercussions for good governance and human rights in Pakistan. U.S. cooperation with Pakistan clearly serves important security interests as defined by the U.S. war on terrorism. American priorities have focused on the specifics of that effort and, as a component of it, securing the Musharraf regime. It is less clear, however, whether U.S. assistance has helped ameliorate other law enforcement challenges confronted by Islamabad—in large part because these have not been a focus of that assistance. This suggests that U.S. officials should consider altering assistance to Pakistan to encompass the issues of effectiveness *and* accountability.

General Findings and Recommendations

Neither the cases examined in this study nor the historical evidence suggests that assistance to internal security forces is able by itself to improve accountability and respect for human rights in organizations that are resistant to change. There is, however, some anecdotal evidence that such efforts can lay the groundwork for future support for reform. Following are the key findings from the U.S. experience in providing assistance to repressive regimes.

Duration and Design. Reform is difficult even under the best circumstances. Even in organizations that are amenable to change, long-term assistance does not guarantee success in improving the effectiveness and accountability of domestic security agencies. However, early withdrawal of aid generally assures failure. Duration is critical for a number of reasons. First, it can take years to train, equip, and mentor police and other internal security forces; to change police culture; and to build infrastructure. Second, institutionalization of new structures

takes time, as new generations ingrained with the concepts of transparency and accountability come to power. However, there are several types of assistance that can foster reform in the near term. While institutionalization takes a long-term commitment, the provision of equipment and skills that make accountability and transparency possible is both a prerequisite for success and a way to help bolster support for reform. Such assistance can take the form of training on how to conduct and provide oversight for forensic, crime-scene, and cause-of-death investigations. It can also include providing equipment that monitors borders and that may also be used to ensure that border guards behave appropriately.

Justice System. As the Afghanistan case illustrates, the reform of police and other internal security forces is not sufficient to ensure security, accountability, and human rights. Sustainable security requires a functioning justice system, including courts and a prison system. Arbitrary or politicized sentencing, an incompetent or corrupt judiciary, and inhumane prison conditions quickly undermine the benefits that come from better policing. A weak justice system also increases the prevalence of organized crime and extremist groups and can lead to a spiral of political assassinations, extrajudicial killings, and petty crime. The inability to establish a viable justice system has plagued many efforts to reconstruct police and security forces. The justice sector also plays a crucial role in human rights. For example, it can help end the use of torture by rejecting coerced confessions in criminal cases. In addition, education and training are insufficient unless the appropriate structural and institutional mechanisms are put in place to ensure continuity of oversight and accountability. These mechanisms can include Inspector Generals' offices and improved management, personnel, and financial processes. Robust institutional development programs are critical to creating lasting change in the culture of internal security agencies.

A Conducive Environment. Viable reform can take place only in an atmosphere of support from the local government, including the leadership of key ministries. Sustained and committed leadership by top policymakers in the host state, including Ministry of Interior officials, is critical to improving the effectiveness and accountability of police and internal security forces. Significant reform cannot be imple-

mented from below against the indifference or hostility of senior managers. Where there is no political will for reform, U.S. police training programs have had little or no success.

Post-conflict environments often provide the most conducive environments in which to change the system and culture of internal security bodies, for at least two reasons. First, they frequently provide a “window of opportunity” to build or rebuild internal security forces from scratch, giving managers the opportunity and power to make significant reforms. In virtually all major post-conflict stability operations since World War II, internal security forces—especially the police—have been partially or wholly rebuilt.¹ Second, the United States and other external actors such as the UN usually have more leverage with senior managers in post-conflict environments. External actors often provide significant amounts of assistance, which can be used both as a carrot to encourage reform and as a stick to enforce it. Major reform is extremely difficult even in these conditions, as the Afghanistan and El Salvador cases show. It is even more difficult in less-conducive environments, where leverage is more limited. This has important implications for the extent to which the United States can encourage significant reform in countries that are not in a post-conflict environment or in democratic transition, such as Uzbekistan and Pakistan. In these cases, reform fostered through encouragement, pressure, and coercion can help establish support at senior and middle levels, but a hostile environment makes reform a much greater challenge.

Knowing When to Quit. U.S. assistance to security forces in repressive regimes should be withdrawn or significantly restructured if internal security agencies fail to improve accountability, human rights, and effectiveness in dealing with security threats. If the United States improves the effectiveness of internal security forces but not their accountability and human rights practices, U.S. policymakers will have to weigh the short- and long-term implications of assisting an increasingly competent but still highly repressive internal security force. Such

¹ See, for example, James Dobbins et al., *America's Role in Nation-Building: From Germany to Iraq*, Santa Monica, CA: RAND Corporation, 2003; James Dobbins et al., *The UN's Role in Nation-Building: From Congo to Iraq*, Santa Monica, CA: RAND Corporation, 2005.

assistance may have the unintended consequence of improving the effectiveness of the repression. Assistance should be withheld if the institutional culture is not congenial to reform, the political climate is hostile, or the amount and type of assistance provided are inadequate. In areas where assistance is not effective at improving accountability and human rights practices but U.S. security interests are significant, U.S. interests may be better served by continuing cooperation while ending aid or focusing aid in areas where assistance can achieve other goals and is less likely to backfire or be wasted. Cooperation can take the form of information exchanges and occasional joint operations; training, equipment, or other types of assistance to security agencies should not be provided if assistance does not increase effectiveness.

Vetting. The question of vetting is a challenging one. The provision of security assistance to a repressive regime raises the inherent danger of providing aid and assistance to individuals and units that could use it to repress the population. Vetting is one mechanism to preclude that from happening. However, we find that there are significant concerns regarding current U.S. government vetting practices in relation to security assistance.

First, vetting is not required in all cases. Much of the aid provided by the U.S. Department of State Anti-Terrorism Assistance (ATA) program and DEA is not subject to Leahy Law vetting requirements.² There is considerable confusion in the U.S. government regarding when vetting is and is not required. Second, attention to vetting varies by country. For example, we found that it was not perceived as a critical issue by many in the U.S. government involved in security assistance to Pakistan. Third, within the U.S. government and its agencies, the purposes and practices of vetting are variously understood and imperfectly applied to the ways assistance is provided. This results in wide variation in the thoroughness with which departments and agencies vet units

² The Leahy Law was first enacted in 1997, with the support of U.S. Senator Patrick Leahy, to curb U.S. aid to foreign security forces when there is credible evidence of human rights violations. As explained in more detail in Chapter Two of this report, there are two slightly different versions of the Leahy Law—one that applies to general U.S. foreign assistance programs and one that applies to the U.S. Department of Defense.

or individuals. Although the Leahy Law precludes assistance to units credibly accused of human rights violations, the definition of “unit” is not understood by most assistance providers. Fourth, there is considerable confusion regarding whether responsibility for vetting lies with the in-country embassy or with the State Department in Washington. Fifth, some U.S. assistance to security forces is carried out through the transfer of U.S. funds to international organizations, such as the Organization for Security and Cooperation in Europe (OSCE) and the UN, which do not always conduct thorough (or any) vetting. Sixth, vetting efforts suffer from the fact that effective and stringent vetting is contingent upon access to reliable information on units and individuals, and such information is often not readily available.

The U.S. government by and large takes the vetting issue seriously. The State Department has established a database that seeks to document accusations of human rights abuses in a way that enables both searches and updating on a wide range of criteria (both individual and unit). Various agencies carry out their own vetting procedures, and while some of them adopt a “check-the-box” mentality, others are thorough and based on U.S. officials’ desire to ensure that the foreign security forces they train and work with can be trusted—and that their assistance will not be misused. But the confusion regarding legal requirements and specific program situations remains, and this is likely to persist for the foreseeable future. Our analysis suggests that the U.S. government needs to improve its vetting practices by making them more consistent across programs and agencies and standardizing them across different types of assistance. Congress can play a critical role by establishing uniform guidelines and providing further definition regarding what criteria executive branch agencies should use in identifying and vetting both units and individuals (whose culpability can, after all, tar organizations of various sizes). Vetting units raises problems because it affects individuals who are not complicit in human rights abuses and potentially withholds training from the units that need to improve transparency and accountability most. Vetting individuals misses clear cases of abuse in which no individual can be held responsible, due to insufficient evidence, but a unit may be identified. The easy cases are, of course, those involving units that are consistently

and credibly accused of violations. Those units should be prevented from receiving assistance unless there is significant change in policy and staffing. The more difficult cases, however, must also be appropriately addressed. Regardless, the wide variation in implementation suggests that clearer guidance is needed.

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Abbreviations

ABA/CEELI	American Bar Association/Central European and Eurasian Law Initiative
ACES	Abuse Case Evaluation System
AFIS	automated fingerprint identification system
ANF	Anti-Narcotics Force
ANP	Afghan National Police
ATA	Office of Anti-Terrorism Assistance, U.S. State Department
BLA	Baloch Liberation Army
BLF	Baloch Liberation Front
BPLA	Baloch People's Liberation Army
CIA	Central Intelligence Agency
CIRI	Cingranelli-Richards Human Rights Dataset
CPEF	Central Poppy Eradication Force
CTR	Cooperative Threat Reduction
DEA	Drug Enforcement Administration
DNA	deoxyribonucleic acid
DRL	Bureau of Democracy, Human Rights, and Labor, U.S. State Department
DS	Bureau of Diplomatic Security, U.S. State Department

DTRA	Defense Threat Reduction Agency
EU	European Union
EXBS	Export Control and Related Border Security Program
FATA	Federally Administered Tribal Areas
FBI	Federal Bureau of Investigation
FC	Frontier Corps
FCR	Frontier Control Regulation
FIA	Federal Investigative Agency, Pakistan
FIU	Financial Intelligence Unit
FMLN	Farabundo Martí National Liberation Front
FY	fiscal year
GCC	Gulf Cooperation Council
GWOT	global war on terror
HRCP	Human Rights Commission of Pakistan
HuJI	Harakat-ul-Jihad-e-Islami
HuM	Harakat-ul-Mujahideen
ICITAP	International Criminal Investigative Training Assistance Program
ICP	International Counterproliferation Program
ICRC	International Committee of the Red Cross
IMU	Islamic Movement of Uzbekistan
INL	International Narcotics and Law Enforcement Affairs, U.S. State Department
ISI	Inter-Service Intelligence Directorate, Pakistan
J&K	Jammu and Kashmir
JeM	Jaish-e-Muhammad

JWG-CTLE	Joint Working Group on Counter Terrorism and Law Enforcement
KESC	Karachi Electric Supply Corporation
LeJ	Lashkar-e-Jhangvi
LeT	Lashkar-e-Taiba
MIPT	Memorial Institute for the Prevention of Terrorism
MVD	Ministry of Internal Affairs, Uzbekistan
NATO	North Atlantic Treaty Organization
NCO	non-commissioned officer
NGO	non-governmental organization
NSC	National Security Council
NWFP	North West Frontier Province
OEF	Operation Enduring Freedom
OJT	on-the-job training
ONUSAL	United Nations Observer Mission in El Salvador
OPDAT	Office of Overseas Prosecutorial Development, Assistance, and Training
OSCE	Organization for Security and Cooperation in Europe
PICCPR	International Covenant on Civil and Political Rights
PISCES	Personal Identification Security, Comparison and Evaluation System
PML	Pakistan Muslim League
POA	Police Order Act
PPP	Pakistan's People's Party
PSYOP	psychological operation
S/CT	U.S. State Department Counterterrorism Office
SIG	Special Investigation Group

SIU	Special Investigative Unit
SMP	Sipah-e-Muhammad Pakistan
SNB	National Security Service, Uzbekistan
SSP	Sipah-e-Sahaba
SWAT	special weapons and tactics
TADR	threat analysis detection response
TJP	Tahrik-e-Jafaria
UN	United Nations
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
USAID	U.S. Agency for International Development
WAPDA	Water and Power Development Authority
WMD	weapons of mass destruction
WTO	World Trade Organization

Introduction

Throughout its history, the U.S. government has provided funding, equipment, training, and other assistance to the police and internal security agencies of foreign governments to help counter security threats, including terrorist organizations, drug trafficking, and hostile states. This report examines an important subset of U.S. internal security assistance; aid to repressive states. The United States has provided assistance to a number of countries that have not shared its political ideals. Their security forces were not accountable to the public, and their practices and approaches were not transparent. In some cases, the confluence of shared interests has led the United States to provide assistance to the internal security forces of regimes that stood accused of human rights abuses and repression, as well as to states seeking to transition away from such practices.

The provision of assistance to repressive states raises a number of questions, the answers to which have significant policy implications. Has U.S. assistance improved the effectiveness of internal security agencies in countering security threats? Has U.S. assistance improved the accountability and human rights records of these agencies? What is the relationship between improving security and improving accountability and human rights?

This study was undertaken to help answer these questions. It focuses on four cases: El Salvador, Uzbekistan, Afghanistan, and Pakistan. In each case, we consider the assistance the United States has provided to internal security forces and the goals of that assistance. We then assess whether the assistance has helped improve the abil-

ity of these agencies to effectively deal with security threats, improve transparency and accountability, and improve human rights practices. Based on the analysis of the cases, we draw some preliminary implications for U.S. security assistance programs in the future. We define *internal security forces* as police, counterterrorist, counternarcotic, and other government forces that have a core internal security function. Consequently, we exclude U.S. assistance to foreign military forces, and, because of data constraints, we also exclude U.S. assistance to foreign intelligence services. Information on U.S. assistance to foreign intelligence services is difficult to obtain, as is information about the activities of U.S. intelligence services, including such related activities as the Central Intelligence Agency (CIA) “rendition” program for terrorism suspects.

Methodology

We chose our cases on the basis of four criteria. First, the countries had to receive internal security assistance from the United States, since this is the focus of the study. Second, the countries had to have a history of repressive security forces and little or no history of democratic policing. Third, we included countries that were transitioning away from repressive systems when U.S. assistance began in order to assess whether reform is easier to achieve under these conditions. Fourth, we chose cases that varied in both *effectiveness* in dealing with security threats and *accountability* of police and internal security forces. Examining only cases in which the United States has failed to reform police and internal security forces would tell us little about what factors lead to success. Focusing only on successful cases would be equally biased and would tell us little about what factors lead to failure. Our objective was to examine both successful and unsuccessful cases to draw out both positive and negative lessons and practices.¹

¹ This approach draws heavily on the literature on qualitative research design. See, for example, Gary King, Robert O. Keohane, and Sidney Verba, *Designing Social Inquiry: Scientific Inference in Qualitative Research*, Princeton, NJ: Princeton University Press, 1994; Stephen Van Evera, *Guide to Methods for Students of Political Science*, Ithaca, NY: Cornell University Press, 1997.

Table 1.1 presents an overview of the four case studies. El Salvador began to transition away from a highly repressive and autocratic regime following the 1992 Chapultepec Accords. Our assessment was that the human rights practices and accountability of El Salvador's security forces had improved by the late 1990s, although those forces faced significant challenges in dealing with violent criminal groups. Uzbekistan remained a repressive regime over the course of U.S. assistance. In addition, we saw little indication that the effectiveness, accountability, and human rights practices of its internal security forces improved during that time. Uzbekistan clearly presents the challenges of undertaking a reform effort in a state where corruption and human rights violations are endemic and political reform is feared as a threat to the state. Afghanistan was in the early stages of a transition from an autocratic to a democratic regime. We also found some initial evidence that its internal security forces had become more accountable following U.S. and German assistance, although we were less optimistic about their effectiveness in the face of an increasingly violent insurgency. Finally, Pakistan, much like Uzbekistan, remained repressive and autocratic over the course of U.S.

Table 1.1
Overview of Case Studies

Country	Time Frame	Regime Type ^a	Primary Motivations for Assistance	Focus of Assistance
El Salvador ^b	1992–present	Autocratic, but transitioning	Nation-building	General law and order
Uzbekistan	2001–present	Autocratic	Reform, counterterrorism	Drug enforcement, border control, counterterrorism
Afghanistan	2001–present	Autocratic, but transitioning	Nation-building, counterterrorism	Counterterrorism, border control, drug enforcement, general law and order
Pakistan	2001–present	Autocratic	Counterterrorism	Counterterrorism, drug enforcement, border control

^a At the beginning of U.S. assistance, all had repressive internal security forces.

^b We focus on U.S. assistance after the Chapultepec Accords.

assistance. We also found little evidence that the effectiveness, accountability, and human rights practices of its internal security forces had improved. Indeed, Pakistani forces have used highly draconian punishments, including home demolition, the seizure of businesses, and the forfeiture of other properties and assets, to combat terrorists and other militants within the country.

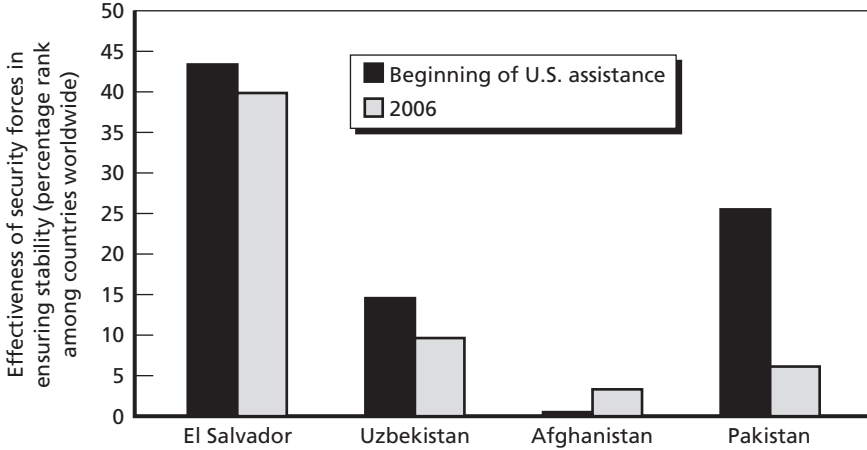
There is substantial variation in these cases regarding both the effectiveness and the accountability and human rights practices of the internal security forces. Figures 1.1 and 1.2 show the change in the perception of effectiveness and accountability in the case studies at two intervals: before the United States provided assistance, and 2006.² The figures, based on data from the World Bank Governance Indicators dataset, reveal several key findings.³

First, Afghanistan experienced improvement in accountability over the course of U.S. assistance. However, it started from a low baseline. Since U.S. reconstruction efforts in Afghanistan are ongoing, it is still too early to reach a final conclusion. Second, El Salvador experienced an improvement in accountability but a decline in the effectiveness of police and other internal security forces, although it began from a higher baseline than did the other countries. Third, Pakistan experienced a slight increase in accountability but a major decline in the effectiveness of its security forces. Fourth, Uzbekistan experienced a decline in both categories. It is important to interpret these findings with some caution because they reflect only the *perception* of effectiveness and accountability in these countries. Nevertheless, they offer a useful first cut and indicate wide variation in the cases. They also suggest some preliminary conclusions.

² For effectiveness, we used World Bank codings for the variable *political stability*. For accountability and human rights, we used World Bank codings for the variable *voice and accountability*.

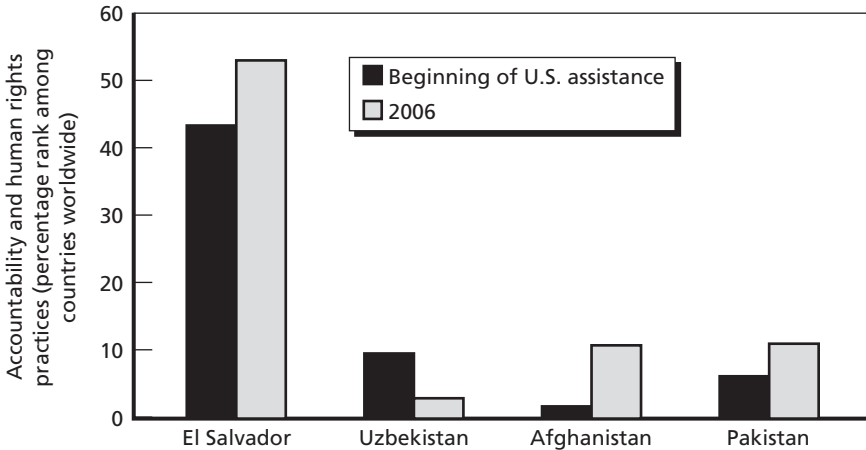
³ The World Bank indicators are based on several hundred individual variables measuring perceptions of governance, drawn from 37 separate data sources constructed by 31 different organizations. The indicators include a margin of error for each country. For more information on the methodology, see Daniel Kaufmann, Aart Kraay, and Massimo Mastruzzi, *Governance Matters IV: Governance Indicators for 1996–2004*, Washington, DC: World Bank, 2005.

Figure 1.1
Relative Change in Effectiveness of Internal Security Forces After U.S. Assistance



RAND MG550-1.1

Figure 1.2
Relative Change in Accountability and Human Rights Practices of Internal Security Forces After U.S. Assistance



RAND MG550-1.2

Our research approach consisted of several components. We reviewed relevant primary and secondary source documents. We also conducted extensive primary-source interviews with government officials from the United States, Pakistan, Uzbekistan, El Salvador, and Afghanistan who were involved in police and internal security. In the United States, these interviews included officials in the U.S. Department of State, the U.S. Department of Defense, the U.S. Department of Justice—including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), and the International Criminal Investigative Training Assistance Program (ICITAP)—the CIA, the U.S. Agency for International Development (USAID), and the U.S. Department of Treasury. Finally, we also examined a combination of quantitative and qualitative “outcome” measures that were available and relevant to the cases at hand. For accountability and human rights, these included perception of human rights and civil liberties by the local population, based on data from several sources, including World Bank and Freedom House datasets and relevant State Department reports. For effectiveness, we used a variety of data on crime rates, levels of political violence and insurgency, the perception of security among the local population, and levels of corruption. The data was obtained from a number of sources, including the RAND–Memorial Institute for the Prevention of Terrorism (MIPT) Terrorism Incident Database, the World Bank, and Transparency International.

Outline of This Report

The rest of this report is divided into six chapters. Chapter Two provides the historical context of U.S. assistance to repressive states. Chapter Three examines U.S. assistance to El Salvador in the 1980s and 1990s. Chapter Four focuses on Uzbekistan. Chapter Five assesses U.S. assistance to Afghanistan beginning in 2001, especially assistance to the Afghan National Police and other Ministry of Interior forces. Chapter Six explores Pakistan, particularly in the aftermath of September 11, 2001. Finally, Chapter Seven outlines key findings and recommendations for security reform. It includes a discussion of the short-term and

long-term costs, benefits, and tradeoffs of various policies regarding assistance to repressive states. It also considers mechanisms and priorities by which assistance can be better geared to support future security development efforts.

The case studies were structured to address the same questions. For each country, we sought to assess the local leadership's perceived threat environment and the extent to which the United States shared those views. In each case, we present an overview of the aid the United States has provided, and we discuss how vetting of candidates for training is carried out. Finally, we assess how effective or ineffective assistance has been both in improving basic capacity and in fostering credible reform. Although the questions are the same, the answers are different, and the case studies reflect the differences among the four countries.

Historical Context

This chapter presents a brief history of U.S. internal security assistance dating back to the Cold War. During the Cold War, for example, the United States provided assistance to a number of states with repressive internal security forces, including El Salvador, Iran, and the Philippines, in response to fears of Soviet expansion. More recently, after the September 11, 2001, attacks, the United States provided—or, in some cases, significantly increased—assistance to states whose internal security practices raised concerns, as part of its war on terrorism. Examples include Uzbekistan, Pakistan, and Saudi Arabia. In most of these cases, the United States argued that providing assistance would increase the accountability and improve the human rights practices of these countries. According to one high-ranking State Department official, “Providing internal security assistance to repressive regimes presents a number of challenges. However, our objective is generally twofold: to improve the effectiveness of these forces in combating terrorism; and to improve their human rights and accountability.”¹

Following the historical review, the chapter outlines the two major schools of thought regarding internal security assistance to states with repressive internal security forces and agencies. Finally, it offers a brief conclusion.

¹ Author interview with U.S. State Department official, September 2005.

The U.S. Historical Experience

During the Cold War, U.S. officials believed that internal security assistance was critical to prevent certain countries from falling under Soviet influence.² The Office of Public Safety, which was established in 1962 in USAID, trained more than a million foreign police over its 13-year tenure.³ President John F. Kennedy believed that Moscow sought to strengthen its international position by pursuing a strategy of subversion, indirect warfare, and agitation designed to install communist regimes in the developing world. In March 1961, President Kennedy told the U.S. Congress that the West was being “nibbled away at the periphery” by a Soviet strategy of “subversion, infiltration, intimidation, indirect or non-overt aggression, internal revolution, diplomatic blackmail, guerilla warfare or a series of limited wars.”⁴ He concluded that providing assistance to police and other internal security forces was critical to combat Soviet aggression, since these organizations were the first line of defense against subversive forces. Robert Komer, President Kennedy’s key National Security Council (NSC) staff member on overseas internal security assistance, argued that viable foreign police in vulnerable countries were the necessary “preventive medicine” to thwart Soviet inroads.⁵ Komer argued that the police were in regular contact with the population, could provide early warning against potential subversion, and could be used to control riots, demonstrations, and subversive activities before they became serious threats.

² John Lewis Gaddis, *Strategies of Containment: A Critical Reappraisal of Postwar American National Security Policy*, New York: Oxford University Press, 1982; H. W. Brands, *The Devil We Know: Americans and the Cold War*, New York: Oxford University Press, 1993.

³ Charles T. Call, “Institutional Learning Within ICITAP,” in Robert B. Oakley, Michael J. Dziedzic, and Eliot M. Goldberg (eds.), *Policing the New World Disorder: Peace Operations and Public Security*, Washington, DC: National Defense University, 1998, p. 317. Also see Martha K. Huggins, *Political Policing: The United States and Latin America*, Durham, NC: Duke University Press, 1998, p. 111.

⁴ John F. Kennedy, “Special Message to the Congress on the Defense Budget,” March 28, 1961, in *Public Papers of the Presidents of the United States: John F. Kennedy, 1961*, Washington, DC: U.S. Government Printing Office, 1962, p. 236.

⁵ Quoted in William Rosenau, “The Kennedy Administration, U.S. Foreign Internal Security Assistance and the Challenge of ‘Subterranean War,’ 1961–63,” *Small Wars and Insurgencies*, Vol. 14, No. 3, Autumn 2003, p. 80. Also see Maxwell D. Taylor, “Address at International Police Academy Graduation,” USAID press release, December 17, 1965.

Consequently, the Defense Department, the CIA, the State Department, and USAID provided assistance to police and internal security forces in key strategic regions such as Latin America, the Middle East, Africa, and Asia. Successive U.S. administrations were influenced by “modernization theory” in offering internal security assistance. Weak state institutions, U.S. policymakers believed, would create ideal conditions for communist exploitation. Consequently, U.S. assistance encouraged the adoption of such principles as managerial efficiency, merit-based promotion, and the use of advanced technology to rebuild police and other internal security forces.⁶

By the early 1970s, the U.S. Congress became deeply concerned that U.S. assistance abroad frequently strengthened the recipient governments’ capacity for repression.⁷ Congress was also concerned about the role of the CIA, which trained foreign police in countersubversion, counterterrorism, and intelligence-gathering techniques.⁸ Consequently, Congress adopted Section 660 of the Foreign Assistance Act in 1974, which prohibited the United States from providing internal security assistance to foreign governments and specifically stated that the U.S. government could not “provide training or advice, or provide any financial support, for police, prisons, or other law enforcement forces for any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad.”⁹ While the U.S. government still provided some internal security training during the late 1970s and 1980s through exemptions and waiver provisions, Section 660 largely terminated U.S. involvement in this area. One notable exception was ICITAP, which was established

⁶ William Rosenau, “The Eisenhower Administration, U.S. Foreign Internal Security Assistance, and the Struggle for the Developing World, 1954–1961,” *Low Intensity Conflict and Law Enforcement*, Vol. 10, No. 3, Autumn 2001, pp. 1–32.

⁷ Michael McClintock, *The American Connection*, London: Zed Books, 1985; Huggins, *Political Policing*.

⁸ White House, National Security Action Memorandum (NSAM) 162, “Development of U.S. and Indigenous Police, Paramilitary and Military Resources,” College Park, MD: National Archives, RG 273, NSAMs 130–240, June 16, 1962.

⁹ *Legislation on Foreign Relations Through 2000*, Washington, DC: U.S. Government Printing Office, 2001, pp. 338–339; Robert M. Perito, *The American Experience with Police in Peace Operations*, Clementsport, Canada: The Canadian Peacekeeping Press, 2002, pp. 18–19.

in the Justice Department in 1986 to help restructure the law enforcement systems of countries in transition.¹⁰

The end of the Cold War and the increasing tempo of U.S. stability operations after 1989 rendered the 1974 legislation largely obsolete. Section 660 still exists, but U.S. government agencies have increasingly secured waivers and provided police and other internal security assistance to a range of both democratic and non-democratic regimes. A variety of U.S. agencies currently provide assistance to foreign police and internal forces, including:

- The State Department, especially the Bureau for International Narcotics and Law Enforcement Affairs
- The Defense Department, including the office of Special Operations and Low-Intensity Conflict
- USAID
- The CIA
- The Justice Department, especially ICITAP, the FBI, DEA, and the Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT)
- The Transportation Department

U.S. assistance includes providing equipment, training and mentoring security forces, and building infrastructure such as prisons and police stations. As noted above, this assistance is geared toward promoting U.S. security and interests abroad by improving the ability of foreign governments to deal with common security threats, such as terrorism, drug-trafficking, and organized crime. As the Foreign Assistance Act notes, counterterrorism assistance is critical “to enhance the ability of . . . law enforcement personnel to deter terrorists and terrorist groups from engaging in international terrorist acts such as bombing, kidnapping, assassination, hostage-taking, and hijacking.”¹¹ Policy-makers believe that strengthening the capabilities of foreign governments has a feedback loop: improving their ability to deal with security threats increases U.S. security.

¹⁰ Call, “Institutional Learning Within ICITAP,” pp. 315–363.

¹¹ Chapter VIII, Part II, of the Foreign Assistance Act of 1961 (P.L. 87-195).

The United States also provides assistance for normative reasons: to improve democratization and human rights abroad. International assistance can strengthen the human rights standards of police and internal security forces and improve the treatment and welfare of civilians. This argument assumes that U.S. assistance can help fight terrorism and other transnational threats by decreasing the motivation of the public to shield criminals and other violent actors. It can also increase the likelihood that suspect individuals and activities will be reported.

It is, of course, possible for repressive regimes to maintain order and control crime. Singapore and China are notable examples. But these and similar states' failure to protect human rights and accountability is detrimental in the long term. Security forces in these countries do not give operational priority to servicing the needs of individual citizens and private groups, and they are accountable to individual government officials rather than to the law. In such repressive societies, human rights abuses can lead to a public perception that security agencies are unreliable and dangerous, and they can limit the ability of those agencies to gather information and respond to likely threats.¹² This feeds into broader discontent with the regimes.

Efforts to reform security agencies are integral to a broader U.S. strategy based on the principle that democratic, accountable regimes and government structures will decrease the appeal of extremist ideologies. But not all recipient countries agree. Many do not feel that political change is the best policy for the long term. In fact, they may see democratization itself as destabilizing and as a security threat. Under those circumstances, government officials in these states may feel that repression is necessary and perhaps effective in preventing the emergence of extremism and instability.

In response to these concerns, legislation such as the Leahy Law in appropriations legislation prohibits U.S. assistance to foreign military or internal security units credibly accused of human rights vio-

¹² On accountability, see David H. Bayley, *Patterns of Policing: A Comparative International Analysis*, New Brunswick, NJ: Rutgers University Press, 1985, pp. 159–188; Charles T. Call, *Challenges in Police Reform: Promoting Effectiveness and Accountability*, New York: International Peace Academy, 2003.

lations. The Foreign Operations Appropriations version of the Leahy Law states:

None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice.¹³

Similarly, the Defense Department Appropriations Bill version states that Defense Department funds cannot “be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.”¹⁴

This legislation, however, does not apply to all forms of assistance. It covers programs funded under the Foreign Operations Act and the Defense Department Appropriations Act, but it does not apply to most drug enforcement and non-Defense Department counterterrorism assistance. It also applies to ICITAP and OPDAT assistance to police personnel, but not to many FBI and DEA programs. The Defense Department Appropriations restrictions apply only to training programs, not equipment transfers. None of the restrictions apply to cooperation. Moreover, the Leahy Law’s focus on units raises a wide range of questions, including what defines a unit and what to do about assistance that is not going to a specific structure, but rather is provided to selected individuals. The language in the Leahy Law is carefully crafted and focuses on units because of the difficulty a victim might have in identifying an individual. But these concerns have led to

¹³ U.S. Congress, 108th Cong., *Making Appropriations for Foreign Operations, Export Financing, and Related Programs for the Fiscal Year Ending September 30, 2005, and for Other Purposes*, Foreign Appropriations Act of 2005, Washington, DC, H.R. 4818, December 8, 2004.

¹⁴ U.S. Congress, 108th Cong., *Making Appropriations for the Department of Defense for the Fiscal Year Ending September 30, 2005, and for Other Purposes*, Defense Appropriations Act of 2005, Washington, DC, H.R. 4613, December 8, 2004.

significant confusion and inconsistency in the implementation of the legislation, as the cases discussed in this report will show.

Security Assistance and Human Rights

There are two competing arguments concerning whether the United States should provide police and internal security assistance to repressive and transitioning states. One argument is that when the United States has critical security interests at stake, security should trump human rights concerns—security assistance should persist even if the internal security forces in the assisted countries continue to use repressive tactics. The competing argument holds that such assistance is necessarily self-defeating, and that the United States should never (or perhaps only in extreme circumstances) provide security assistance to repressive states.

Security Trumps Human Rights

The argument that the United States can—and should—provide assistance to repressive states when it has core strategic interests that can be advanced by such assistance was the approach taken during much of the Cold War. President Kennedy’s Policy Planning Council concluded, for example, that expecting repressive regimes to abide by Western human rights norms was naïve: “Outside of the English-speaking and Scandinavian worlds, no society has yet broken through the development barrier without reliance on authoritarian techniques.”¹⁵ USAID Administrator David Bell likewise argued that the United States had little choice but to “work with the situation” it found in repressive countries.¹⁶ Government repression was unfortunate but sometimes inevitable in countries dealing with subversive elements. During the Cold War, U.S. policymakers concluded that assistance to police and inter-

¹⁵ U.S. Department of State, “Internal Defense of the Less Developed World,” Record Group 286, March 13, 1961, p. 1, U.S. Agency for International Development, Office of Public Safety, Vietnam Division, Subject File, IPS #13, Police Operations 1966–1969, College Park, MD: National Archives.

¹⁶ Foreign Assistance Appropriations, U.S. House of Representatives, HR 11812, Bell Papers, Boston, MA: John F. Kennedy Library, 1965.

nal security forces was critical to respond to Soviet expansion, even if the recipient regimes' practices were less than palatable.

There are several components to this argument. Proponents argue that assisting repressive regimes increases U.S. security by improving the police and internal security forces' ability to deal with key security threats. The U.S. Operations Coordinating Board concluded in 1955 that assisting police forces is critical, since they have "primary responsibility for the detection, apprehension and confinement of individual subversives and small groups of subversives."¹⁷ The cost of *not* providing assistance would be significant: These countries would not be able to adequately ameliorate terrorist and other security threats, which would undermine U.S. security in the long run. Indeed, several major U.S. partners in the war on terrorism—in particular, Pakistan, Saudi Arabia, and Egypt—are not democratic, have repressive security forces, and yet receive U.S. security assistance.¹⁸ This argument was used to support the CIA rendition program that has been used in the capture and detention of terrorist suspects. As Michael Scheuer, former head of the CIA's bin Laden unit, argued, cooperation with repressive states was necessary "in order to hold people who were a threat to the United States."¹⁹ Table 2.1 lists U.S. antiterrorism assistance to a number of non-democratic states.

A further argument is that interaction with foreign police and internal security agencies can give the United States leverage on key foreign-policy issues, since it can make assistance contingent on cooperation. Assistance can also improve the ability of U.S. departments and agencies such as the State Department, FBI, and CIA to secure cooperation quickly and efficiently in the future, since they will have already established a relationship with foreign police and internal security agencies. As one senior U.S. government official involved in

¹⁷ Operations Coordinating Board, *Report to the National Security Council Pursuant to NSC Action 1290-D*, Abilene, KS: Dwight D. Eisenhower Library, November 23, 1955.

¹⁸ For codings on democracy, see Freedom House, *Freedom in the World 2005: The Annual Survey of Political Rights and Civil Liberties*, New York: Freedom House, 2005.

¹⁹ Michael Scheuer, "Congress, Media Damage War Effort," *Washington Times*, December 21, 2005, p. A19; interview with Michael Scheuer on *The O'Reilly Factor*, December 21, 2005.

Table 2.1
U.S. Antiterrorism Assistance to Non-Democratic States

Country	Examples of Assistance Provided	Assistance in 2004 (thousands of \$US)
Afghanistan	Presidential protective service Explosives incident VIP protection	7,778
Algeria	Police training academy Protective intelligence and investigation management	68
Azerbaijan	Investigating terrorist organizations Pipeline security	1,161
Brunei	Police role, terrorist investigations	<50
Cambodia	Police role, terrorist investigations	<50
Chad	Critical incident management	427
Egypt	Crisis response team—tactical commander Explosive-detector dogs and handlers Hostage negotiation/incident management	3,099
Kazakhstan	Advanced crisis response team Hostage negotiation Capstone exercise	2,417
Kyrgyzstan	Antiterrorism instructor training Surveillance detection	380
Mauritania	Vital-installation security VIP protection Senior crisis management	1,937
Oman	WMD mass casualty—medical Investigating terrorist organizations	1,035
Pakistan	VIP protection Investigating terrorist organizations Surveillance detection	8,782
Qatar	Post-blast investigation	662
Saudi Arabia	WMD awareness seminar Critical-incident management Terrorist crime-scene investigation	456
Tajikistan	Major case management Senior crisis management	1,154
Tunisia	Senior crisis management Airport security management	631
United Arab Emirates	Senior crisis management Major crisis management	274
Uzbekistan	Crisis response team—tactical commander	3,100
Vietnam	Police role, terrorist investigations	<50

SOURCE: U.S. Department of State, *The Antiterrorism Assistance Program: Report to Congress for Fiscal Year 2004*, Washington, DC, 2005. On codings for non-democratic states, see Freedom House, *Freedom in the World 2005*. We used the Freedom House coding of “not free” for non-democracies.

police training argued, “Training foreign law enforcement officials significantly improves our relationship with those countries and makes it easier to get access, information, and other assistance when we’re working on cases.”²⁰

Some also believe that the United States may be able to increase the prospects for reform through assistance. For example, Phillip Heymann argues that the United States can help encourage democracy and reinforce democratic “trajectories and increments” through security assistance.²¹ In countries where other aspects of the relationship are limited and assistance directly geared to political and social reform has been refused, security-sector assistance can be the only available lever to encourage change.

However, there are several problems with this approach. To begin with, the definition of what constitutes a core security interest has historically been exaggerated and manipulated. This is both a methodological and a political issue. Moreover, the argument that security assistance provides leverage on other policy issues is somewhat questionable. If assistance is provided because it is critical to U.S. security interests, the United States is unlikely to withdraw it to achieve cooperation on other issues. The conditionality is therefore not fully credible. Furthermore, while security assistance may smooth the way for cooperation on some security issues, it does not guarantee cooperation in all areas. For example, Pakistan has not always been cooperative in helping U.S. forces defeat Taliban and other Afghan insurgents in Pakistani territory.²² In fact, there is some evidence that Pakistan’s Inter-Service Intelligence Directorate has provided assistance to the Taliban and Hezb-i-Islami forces. Some within the Inter-Service Intelligence Directorate sympathize with the jihad against U.S. and other Western

²⁰ Author interview with U.S. government official, September 2005.

²¹ Phillip Heymann, “Creating Democratic Law Enforcement Institutions in Eastern Europe, Latin America and South Africa,” unpublished draft, 1992.

²² Author interview with Afghan and U.S. officials, August 2006; Lieutenant General David W. Barno, *Afghanistan: The Security Outlook*, Washington, DC: Center for Strategic and International Studies, May 14, 2004; David L. Buffaloe, *Conventional Forces in Low-Intensity Conflict: The 82nd Airborne in Firebase Shkin*, Arlington, VA: Association of the United States Army, Institute of Land Warfare, 2004, pp. 16–17.

forces, and some wish to preserve a Pakistani foothold in Afghanistan.²³ Finally, the absence of U.S. assistance does not preclude cooperation. The United States has law enforcement and counterterror cooperation with a wide range of states, including some to whom it provides little or no assistance, such as the Russian Federation. The United States tends to share information with internal security forces in these countries, though it does not provide training or equipment.

No Assistance to Repressive States

The argument that the United States should never provide police and other internal security assistance to repressive states is reflected in Section 660 of the Foreign Assistance Act and was the U.S. approach to police and internal security for the last decade and a half of the Cold War. Proponents of this approach hold that the United States should refrain from police and other internal security assistance if a state meets any of the following criteria: its government secured power by overthrowing a civilian government; it engages in a consistent pattern of human rights violations; it supports terrorist organizations; it engages in illegal narcotics trade.²⁴

This argument also has several components. First, proponents argue that U.S. foreign police assistance has not been successful in improving the effectiveness or accountability of police. According to Martha Huggins, “There is no evidence that earlier foreign police training has made recipient countries safer, less crime ridden, or more free of drugs.” She states further that the history of U.S. assistance to countries in Latin America demonstrates that there is also no evidence that “long-term assistance to foreign police has made the practices of recipient police more democratic or their countries’ populations more secure from arbitrary treatment by state agents.”²⁵ One component of this argument is that long-surviving authoritarian regimes have mastered

²³ Author interview with Afghan official, September 2005; author interview with senior U.S. government officials, Afghanistan, November 2005; Anthony Davis, “Afghan Security Deteriorates as Taliban Regroup,” *Jane’s Intelligence Review*, May 1, 2003, p. 13.

²⁴ Gordon Crawford, *Foreign Aid and Political Reform: A Comparative Analysis of Democracy Assistance and Political Conditionality*, New York: Palgrave Macmillan, 2001, pp. 166–169.

²⁵ Huggins, *Political Policing*, p. 4.

the ability to make rhetorical statements in support of human rights and can even absorb some liberalizing reforms without changing their core political structures or practices.²⁶ In addition, assistance programs to foreign police can have a negative effect on democratic development by strengthening a state's capacity for repression. Several reports, such as that of a U.S. Senate investigative team dispatched in 1971 to Guatemala and the Dominican Republic, concluded that U.S. government equipment was, in fact, used in serious human rights abuses.²⁷ Moreover, some argue that U.S. assistance has actually *increased* the ability of police to utilize repressive tactics. As one study concludes, the historical data suggest "that the more foreign police aid given [to repressive states], the more brutal and less democratic the police institutions and their governments become."²⁸

Proponents of this approach argue that even if U.S. assistance could at least marginally improve the effectiveness and accountability of police, there is no connection between reforming police and reforming a state's political system. Democracy is extremely difficult to impose from the outside, and there is no evidence that reforming the police will lead to a democratic state. As David Bayley argues, "The causal connection runs strongly in the other direction: Democratic government is more important for police reform than police reform is for democratic government. . . . The police tail cannot wag the government dog."²⁹ Outside powers can have only a limited influence on the democratization process of other states. Key factors that have triggered democratization include levels of economic growth, prior regime type, decisions by domestic leaders, social development, and "snowballing" effects (i.e., the spread of democracy in response to democra-

²⁶ Thomas Carothers, "Choosing a Strategy," in Thomas Carothers and Marina Ottaway (eds.), *Unchartered Journey: Promoting Democracy in the Middle East*, Washington, DC: Carnegie Endowment for International Peace, 2005, pp. 193–208.

²⁷ Committee on Foreign Relations, *Guatemala and the Dominican Republic*, Washington, DC: U.S. Government Printing Press, 1971; Call, "Institutional Learning Within ICITAP," p. 318.

²⁸ Huggins, *Political Policing*, p. 6.

²⁹ David H. Bayley, *Democratizing the Police Abroad: What to Do and How to Do It*, Washington, DC: U.S. Department of Justice, 2001, p. 13.

tization in other countries).³⁰ Democratization in a country may also be influenced by factors such as political pressure, economic assistance, and sanctions.³¹ Thus, proponents of this argument conclude that the United States should refrain from providing security assistance to the police and internal security forces of repressive states. Because these forces are deeply resistant to reform, do not lead to democratic political systems, and can strengthen the state's capacity for repression, the United States should provide assistance only to consolidated or perhaps transitioning democracies.³²

This approach, however, also is problematic. First, a failure to provide assistance to some critical states limits the ability of the United States to counter security threats emanating from them. One example is Pakistan. An ethnically diverse population, weak governance in many areas of the country, Islamic extremism, and porous borders have all fueled or motivated militancy and terrorism within Pakistan. A number of groups—including al Qaeda, Jaish-e-Muhammad, Harakat-ul-Jihad-e-Islami, Harakat-ul-Mujahideen, and Lashkar-e-Taiba—are active in Pakistan and threaten the United States. Failure to provide assistance to Pakistan would make it extremely difficult for the United States to counter these groups. Moreover, assistance is sometimes the only available foot in the door to advance democratic reforms and accountability, however imperfect a mechanism it may be. It is also a way to maintain sufficient contacts to monitor human rights situations and intervene in specific cases. Finally, as this study shows, tar-

³⁰ Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, Baltimore, MD, and London: The Johns Hopkins University Press, 1996; Larry Diamond and Marc F. Plattner (eds.), *The Global Resurgence of Democracy*, Baltimore, MD, and London: The Johns Hopkins University Press, 1993; Guillermo O'Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions About Uncertain Democracies*, Baltimore, MD, and London: The Johns Hopkins University Press, 1986; Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, Norman, OK, and London: University of Oklahoma Press, 1991.

³¹ Huntington, *The Third Wave*, pp. 40, 85–100.

³² Joel D. Barkan, "Can Established Democracies Nurture Democracy Abroad? Lessons from Africa," in Axel Hadenius (ed.), *Democracy's Victory and Crisis*, Cambridge, UK: Cambridge University Press, 1997, pp. 371–403.

geted assistance can sometimes improve both the effectiveness and the accountability of foreign police and other security forces.

Conclusion

While both arguments raise important points, neither offers truly satisfying solutions to the conundrum of internal security assistance to repressive and transitioning states. There are no easy answers. In the long run, effectiveness, accountability, and human rights practices are deeply interlinked. On the basis of the historical record, it seems likely that successive U.S. governments will seek to advance all of these goals, separately or in combination, in a variety of states in the future. A thorough examination of how the United States has approached these issues and the results that have been achieved can help inform future policy. We now turn to the cases of El Salvador, Uzbekistan, Afghanistan, and Pakistan.

El Salvador

In January 1992, representatives of El Salvador's government and the Farabundo Martí National Liberation Front (FMLN) signed a peace settlement in Mexico City's picturesque Chapultepec Castle. The settlement ended 12 years of civil war that left approximately 75,000 people dead.¹ It also provided an important opportunity to reform one of the most repressive internal security apparatuses in Central America. As had occurred elsewhere in Central America, the war in El Salvador had evolved into a proxy conflict between the United States and the Soviet Union. The Reagan administration viewed El Salvador as a place to "draw the line" against communist aggression and provided more than \$6 billion in economic and military assistance to El Salvador's government over the course of the war.² Then, the end of the Cold War created a window of opportunity for peace negotiations. The Soviet Union's withdrawal of support for Marxist movements in Latin America eliminated an important source of supply of arms and logisti-

¹ On the number of people killed during El Salvador's civil war, see David H. McCormick, "From Peacekeeping to Peacebuilding," in Michael W. Doyle, Ian Johnstone, and Robert C. Orr (eds.), *Keeping the Peace: Multidimensional UN Operations in Cambodia and El Salvador*, New York: Cambridge University Press, 1997, p. 282.

² Benjamin C. Schwarz, *American Counterinsurgency Doctrine and El Salvador: The Frustrations of Reform and the Illusions of Nation Building*, Santa Monica, CA: RAND Corporation, 1991, p. 2. Also see Michael Childress, *The Effectiveness of U.S. Training Efforts in Internal Defense and Development: The Cases of El Salvador and Honduras*, Santa Monica, CA: RAND Corporation, R-4042-USDP, 1995; U.S. Department of State, *Communist Interference in El Salvador: Documents Demonstrating Communist Support of the Salvadoran Insurgency*, Washington, DC, February 1981.

cal support to the FMLN.³ The United States put significant pressure on El Salvador to negotiate a peace settlement, threatening to withdraw aid while offering to contribute financial assistance if a settlement was reached.⁴ The United Nations (UN) verified the ceasefire that was negotiated, and reconstruction efforts began to rebuild the country.

This chapter examines U.S. efforts to rebuild internal security in El Salvador after the Chapultepec Accords by asking two questions: What assistance did the United States provide to El Salvador's internal security agencies? Did this assistance help improve the ability of these agencies to effectively deal with security threats and ensure accountability and human rights?

The evidence shows that U.S. assistance and pressure after the Chapultepec Accords helped improve the accountability and human rights practices of the Salvadoran police, but not their effectiveness. While there was a decline in torture and extrajudicial assassinations, crime rates significantly increased. The Justice Department and the U.S. military played a useful role in helping dissolve the three military-controlled internal security forces that had reputations for human rights abuses: the National Guard, the Treasury Police, and the National Police. The El Salvador government replaced them with a single new police force, the National Civilian Police, which established a doctrine that emphasized human rights and civilian leadership. U.S. help in improving the accountability and human rights practices of the police was possible because of a modest buy-in from Salvadoran political leaders, institutional development, and pressure from the United States, the UN, and other governments. The failure to improve the

³ The FMLN also received economic and military assistance from Cuba and the Sandinistas in Nicaragua (United Nations Institute for Disarmament Research, *Managing Arms in Peace Processes: Nicaragua and El Salvador*, Geneva: United Nations, 1997, p. 124). Also see Mark Levine, "Peacemaking in El Salvador," in Michael W. Doyle, Ian Johnstone, and Robert C. Orr (eds.), *Keeping the Peace: Multidimensional UN Operations in Cambodia and El Salvador*, Cambridge, UK: Cambridge University Press, 1997, pp. 230–231; Gerardo L. Munck and Dexter Boniface, "Political Processes and Identity Formation in El Salvador: From Armed Left to Democratic Left," in Ronaldo Munck and Purnaka L. de Silva (eds.), *Postmodern Insurgencies: Political Violence, Identity Formation and Peacemaking in Comparative Perspective*, New York: St. Martin's Press, 2000, pp. 38–53.

⁴ Edelberto Torres-Rivas, "Insurrection and Civil War in El Salvador," in Doyle, Johnstone, and Orr, *Keeping the Peace*, pp. 209–226.

effectiveness of Salvadoran police demonstrates that human rights and effectiveness must go hand in hand. Both are critical in establishing a viable police and internal security force.

This chapter is divided into five sections. The first section outlines key security threats that existed in El Salvador when the Chapultepec Accords were signed. The second describes U.S. assistance in rebuilding the police and ending the military's role in internal security. The third examines the effectiveness of Salvadoran police in dealing with security threats. The fourth assesses U.S. success in helping improve the accountability and human rights practices of El Salvador's internal security agencies. The fifth section outlines key conclusions.

Security Threats

The Salvadoran government faced a number of security threats in the early 1990s, the most significant of which were the FMLN and organized criminal groups.

Farabundo Martí National Liberation Front

The FMLN posed a significant security challenge despite its decision to sign the peace accords. It was formed in 1980 following the integration of several revolutionary Marxist organizations—the Popular Liberation Forces, the Popular Revolutionary Army, the Community Party's Armed Forces of Liberation, the National Resistance, and the Workers Revolutionary Party—and subsequently led a campaign of guerrilla warfare against the Salvadoran government.⁵ Between 1980 and 1983, the FMLN operated largely in rural areas in units of up to several hundred guerrillas. After 1983, it operated in much smaller units and adopted a political strategy aimed at overthrowing the government and consolidating its support base among the population

⁵ The FMLN was named for the rebel leader Farabundo Martí, who led workers and peasants in an uprising to transform Salvadoran society after the eruption of the volcano Izalco in 1932. In response, the military regime led by General Maximiliano Hernández Martínez, who had seized power in a 1931 coup, launched a brutal counterinsurgency campaign that killed 30,000 suspected guerrillas and Martí supporters.

through the provision of education and health services, the establishment of local popular governments, and attacks against government forces.⁶ In 1993, the FMLN comprised over 12,000 combatants, operated in all 14 provinces of the country, and controlled one-third of the country's territory.⁷ FMLN guerrillas were capable of conducting major combat operations throughout El Salvador, and only three years earlier had captured sections of San Salvador, the capital city, during a major offensive. The organization enjoyed strong popular support in certain areas of the country, a de facto sanctuary in border areas disputed by El Salvador and Honduras, and a strong network of international financial, logistical, and political support.⁸

Criminal Organizations and Death Squads

Organized criminal groups posed another major threat to El Salvador's security. One of the most ruthless organizations was a kidnapping-for-profit ring, in which death squads posed as leftist rebels and kidnapped some of El Salvador's wealthiest businessmen. Among those implicated were several Salvadoran military officers who had been involved in major human rights violations. Investigations into the group's activities led to a string of killings. In 1986, three key witnesses were killed—two while in the custody of security forces and the other in a suspicious shootout with armed forces. In 1987, the house of Judge Miriam Artiaga, who was handling the case, was machine-gunned twice in a span of three weeks, forcing her to quit the case. Her successor, Judge Jorge Alberti

⁶ Charles T. Call, "Assessing El Salvador's Transition from Civil War to Peace," in Stephen John Stedman, Donald Rothchild, and Elisabeth Cousens (eds.), *Ending Civil Wars*, Boulder, CO: Lynne Rienner Press, 2002, pp. 383–420.

⁷ Charles T. Call, "Democratisation, War and State-Building: Constructing the Rule of Law in El Salvador," *Journal of Latin American Studies*, Vol. 35, No. 4, November 2003, p. 831; International Institute for Strategic Studies, *The Military Balance, 1991–1992*, London: Brassey's, Inc., 1991, p. 198; Call, "Assessing El Salvador's Transition from Civil War to Peace," p. 386.

⁸ America's Watch, *El Salvador's Decade of Terror: Human Rights Since the Assassination of Archbishop Romero*, New Haven, CT: Yale University Press, 1991, pp. 64–70; United Nations, *The United Nations and El Salvador, 1990–1995*, New York, 1995, p. 8.

Serrano, was killed by three gunmen in 1988.⁹ In a February 1993 survey by the Central American University's Public Opinion Institute (Instituto Universitario de Opinión Pública), 73.2 percent of the respondents considered crime the main problem of the country, 88.6 percent thought crime had increased, and 68.1 percent were afraid of being assaulted in their own homes. Moreover, 34 percent of the respondents from urban areas said they or an immediate family member had been robbed in the previous four months.¹⁰ Many of these crimes involved M-16s, AK-47s, and grenades, leading the UN to conclude that there was a "trend toward fatalities for relatively trivial causes or reasons."¹¹

U.S. Assistance

The United States played a leading role in reforming El Salvador's security agencies after the Chapultepec Accords. It was also deeply involved during the Salvadoran civil war. The United States provided more than \$1 billion between 1980 and 1991 to the El Salvadoran armed forces and other security forces, in addition to approximately \$3.2 billion in economic assistance.¹² The 1981 *Report of the El Salvador Military Strategy Assistance Team*, commonly known as the Woerner report, argued that only a dramatic restructuring and the adoption of more-aggressive counterinsurgency tactics could turn the Salvadoran military and internal security services into an effective fighting force against the FMLN.¹³ Between 1988 and 1993, Salvadoran security forces received

⁹ Douglas Farah, "Key Salvadoran Case Thrown Out of Court," *Washington Post*, January 8, 1989; James LeMoyné, "Salvadoran Army's Abuses Continue," *New York Times*, April 19, 1986.

¹⁰ Instituto Universitario de Opinión Pública (IUDOP), "La Delincuencia Urbana," *Estudios Centroamericanos*, April/May 1993, pp. 471–479.

¹¹ *Report of the Director of the Human Rights Division of the United Nations Observer Mission in El Salvador up to April 30, 1993*, Seventh Report, Annexed to UN Document A/47/968, S-26033, July 2, 1993.

¹² Childress, *The Effectiveness of U.S. Training Efforts*, p. 14; Call, "Democratisation, War and State-Building," p. 831.

¹³ Andrew J. Bacevich et al., *American Military Policy in Small Wars*, Washington, DC: Pergamon-Brassey's, 1988.

training from the United States in a variety of areas ranging from commando techniques to psychological operations. Table 3.1 shows the 20 most heavily attended courses during this time period.

Following the Chapultepec Accords, U.S. internal security assistance was divided into two main categories: (1) reforming the police and building a new National Civilian Police force, and (2) restructuring the military and eliminating their internal security role. The UN also played a key role in this effort. It established a Police Division in February 1992 and placed it under the command of Uruguayan General Homero Vaz Bresque. In addition, UN police observers accompanied National Civilian Police patrols and monitored their performance.

Table 3.1
Courses Provided to Salvadoran Security Forces, 1988–1993

Course	Students
Combat Armor Officer, Advanced	520
Training Management NCO	483
Commando Operations	285
Officer Candidate Course	283
Basic NCO	168
Infantry Officer, Basic	151
PSYOPS Officer	116
Instructor Training	103
Specialized English Language Training	94
English Language Course	79
Training Management Officer	66
Infantry Officer, Basic	41
Command and General Staff	39
Battle Staff Operations	30
Security Assistance Training and Orientation Course	26
Sapper	23
OJT Operations Training	20
OJT Prof/Spec-OS	20
Country Liaison Officer	17
Spanish Instructor	16
Total	2,580

SOURCE: Childress, *The Effectiveness of U.S. Training Efforts*, p. 23.

NOTE: NCO = non-commissioned officer; PSYOPS = psychological operations; OJT = on-the-job training; Prof/Spec-OS = professional specialized training–overseas.

Police Reform

The Chapultepec Accords required the Salvadoran government to dismantle most of the country's old security forces, temporarily maintain a fraction of the old National Police to keep order until the new National Civilian Police force could be formed, and train, organize, and deploy the new police force.¹⁴

The U.S. Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) played an important role in helping dissolve the old military-controlled security forces and in replacing them. The peace accords stipulated that 20 percent of the new police force should consist of former FMLN combatants, 20 percent should be vetted members of the former National Police, and the remaining 60 percent should be new recruits with no combat history.¹⁵ The National Civilian Police was created outside the Ministry of Defense to be the sole national-level police force. It was responsible for maintaining order and protecting citizens, and its doctrine explicitly emphasized human rights and a civilian leadership. The legislature could remove the director of the force if police committed human rights abuses. New institutional guarantees to prevent future human rights violations included doctrinal and training reforms in police institutions and the creation of Inspectors General to oversee the state's security forces.¹⁶

The accords also mandated the establishment of a National Public Security Academy, for which ICITAP participated in a commission with Spanish police advisers and Salvadoran government representatives to design the curriculum. ICITAP trained half the first class of National Civilian Police supervisors in Puerto Rico in 1992 and contributed the bulk of international aid (approximately \$10 million out

¹⁴ United Nations, *The United Nations and El Salvador, 1990–1995*, pp. 193–230.

¹⁵ Orlando J. Pérez, "Democratic Legitimacy and Public Insecurity: Crime and Democracy in El Salvador and Guatemala," *Political Science Quarterly*, Vol. 118, No. 4, 2003–2004, p. 630; Lawyers Committee for Human Rights, *Underwriting Injustice: AID and El Salvador's Judicial Reform Program, April 1989*, New York: Human Rights First, 1989; Teresa Whitfield, *Paying the Price*, Philadelphia, PA: Temple University Press, 1995.

¹⁶ Call, "Democratisation, War and State-Building," p. 833; Call, "Assessing El Salvador's Transition from Civil War to Peace," pp. 399–402.

of \$13 million in the first two years) for materials and instruction at the academy.¹⁷ It also provided technical advice to the leadership of the National Civilian Police, as well as a separate project in support of a new criminal-investigations division. The FBI maintained a project manager in El Salvador for most of the decade; several U.S. teaching fellows provided training or advice on instruction; and five advisers were deployed to various divisions of the National Civilian Police.¹⁸ ICITAP helped recruit, vet, and train 5,700 basic recruits and 240 officer-level candidates over a two-year period. This led to an accelerated training pace for the rest of the decade, and by March 1997, ICITAP had trained more than 12,000 recruits, 200 supervisory-level officers, 2,000 trainees in specialized courses, 30 instructors, 800 field-training officers, and 40 forensic lab technicians.¹⁹ ICITAP also played a crucial role in developing policies and procedures for the force and contributed more than any other donor to its material needs, such as vehicles and communications equipment.

The El Salvador project represented ICITAP's first extensive collaboration with the UN. Police issues were included in weekly coordination meetings between the U.S. Ambassador and the UN Head of Mission. ICITAP and UN instructors achieved a division of labor in instruction at the academy, as did ICITAP and European Union (EU) advisers. Additionally, some 300 UN civilian police provided field training for newly deployed National Civilian Police agents when ICITAP did not have the manpower. The UN established a Police Division in February 1992. UN police observers accompanied National Civilian Police patrols and monitored their performance, but most of El Salvador's police harbored deep resentment toward the UN for phasing out

¹⁷ William Stanley, *Risking Failure*, Washington, DC: Washington Office on Latin America, 1993; William Stanley, "Building New Police Forces in El Salvador and Guatemala: Learning and Counter-Learning," in Tor Tanke Holm and Espen Barth Eide (eds.), *Peacebuilding and Police Reform*, Portland, OR: Frank Cass, 2000, p. 117.

¹⁸ The FBI also provided training and helped with several investigations, including the investigation following the 1993 murder of FMLN leader Francisco Velis.

¹⁹ Call, "Institutional Learning Within ICITAP," pp. 334–335; U.S. Department of State, statement by Christine Shelly, Washington, DC, 1993.

their jobs and refused to cooperate with the monitors.²⁰ The relationship between the UN and ICITAP was also fractious. ICITAP was familiar to the Salvadoran government because of the training it had provided earlier. In addition, the United States donated more to the police project than all other donors combined, providing \$25 million through ICITAP between 1992 and 1997.²¹ Yet the accords named the UN the transitional coordinator of international support. ICITAP placed its instructors at the National Public Security Academy via a bilateral agreement rather than through the UN, and UN officials complained that ICITAP did not cooperate enough with the UN principal technical adviser. One UN official subsequently suggested that international efforts to develop the police would have benefited if all assistance had been channeled through the UN, and the international community might thus have spoken with one voice in exercising leverage with the government.²² In the end, however, these problems did not undermine efforts to rebuild the police.

Military and Other Security Reform

Perhaps the most significant challenge for the United States and other international actors was curbing the involvement of El Salvador's military in domestic affairs and transitioning it out of its role as an internal security agency. In 1991, the Salvadoran government possessed nearly 80,000 security forces,²³ including several internal security forces controlled by the military: the National Guard, the Treasury Police, the National Police, the National Intelligence Directorate, and paramilitary civil defense forces. Since the outbreak of civil war in 1981, these forces had functioned as political police, ruthlessly suppressing dissent throughout the country. Targets included FMLN guerrillas, labor

²⁰ United Nations, "Report of the Secretary-General on the United Nations Observer Mission in El Salvador," S/1994/561, New York: United Nations, May 11, 1994, p. 5.

²¹ Call, "Institutional Learning Within ICITAP," pp. 335–336.

²² Gino Costa, "United Nations and Reform of the Police in El Salvador," *International Peacekeeping*, Vol. 2, No. 2, Autumn 1995, pp. 365–390.

²³ El Salvador's security forces included 40,000 army, 1,200 navy, 2,400 air force, 4,000 National Guard, 6,000 National Police, 2,000 Treasury Police, and 24,000 civil defense forces (International Institute for Strategic Studies, *Military Balance, 1991–1992*, p. 198).

and peasant organizations, church officials, religious workers, political opponents, the media, and human rights monitors.²⁴ While the government committed on paper to demobilizing these forces and improving its human rights record, it had numerous incentives to violate the agreement. Disbanding its internal security forces might weaken its control over the country; providing outside states and organizations with sensitive information about its most secretive security and intelligence organizations might compromise national security; and trusting the FMLN to abandon armed struggle after 12 years of civil war seemed farfetched.

As noted earlier, the military agreed, as part of the Chapultepec Accords, to abdicate its internal security functions and dissolve the three forces that had poor human rights records. It also agreed to disband paramilitary civil defense patrols and the army's counterinsurgency units. The Salvadoran government demobilized the civil defense patrols and reduced the size of the army from 40,000 to 28,000 soldiers. U.S. military advisers trained, advised, and assisted with restructuring. They helped develop a new training and doctrine command and provided technical advice on the reorganization of El Salvador's Military College.²⁵ Virtually all U.S. training for Salvadoran military and other security forces had a human rights component. For example, all graduates of the Salvadoran Military Academy attended the Salvadoran Cadet Preparation Course, where they received some training in human rights. In addition, the U.S. 7th Special Forces Group incorporated human rights training in the technical and tactical training it provided.²⁶

The United States was also involved in a parallel step to reform the police and armed forces through the establishment of an ad hoc commission that investigated and evaluated military officers based on three criteria: (1) observance of the law, especially respect for human rights; (2) professional competence; and (3) ability to function within

²⁴ America's Watch, *El Salvador's Decade of Terror*, pp. 17–63.

²⁵ McCormick, "From Peacekeeping to Peacebuilding," p. 297.

²⁶ James B. Ervin, "Strategy and the Military Relations Process," *The DISAM Journal*, Vol. 11, No. 1, Fall 1998, pp. 56–74.

a newly peaceful and democratic society.²⁷ The commission included three Salvadoran civilians chosen by the UN Secretary-General and two military observers chosen by El Salvador's president. It issued a report on September 22, 1992, following a review of 232 of the most senior military officers. The report recommended the discharge of the entire senior military establishment, including military officers who played an integral role in the peace process. El Salvadoran President Alfredo Cristiani refused to carry out the order within the time frame established by the peace accords and initially refused to remove all of the named officers. But under pressure from the UN Secretary-General, the United States, and the "Four Friends" (Spain, Colombia, Mexico, and Venezuela), Cristiani ultimately relented. The Clinton administration withheld \$11 million in U.S. military aid contingent upon the government abiding by the commission's report. By June 1993, all those named had quit or had been forced to retire.²⁸

In addition, the Truth Commission played a helpful role in purging senior commanders, one of the most thorough purges of a Latin American army. It was tasked with "investigating serious acts of violence that have occurred since 1980 and whose impact on society urgently requires that the public should know the truth."²⁹ It investigated human rights abuses committed by both the government and the FMLN, documented the abuses, and made recommendations to the government. The Truth Commission consisted of three prominent foreigners: a former Colombian president, a former Venezuelan foreign minister, and an American jurist then serving as president of the Inter-American Court for Human Rights. The commission report identi-

²⁷ Chapultepec Agreement, Chapter I, in United Nations, *The United Nations and El Salvador, 1990–1995*, pp. 195–196.

²⁸ "Letter Dated 7 January 1993 from the Secretary-General to the President of the Security Council Concerning Implementation of the Provisions of the Peace Agreements Relating to the Purification of the Armed Forces," S/25078, January 9, 1993, in *The United Nations and El Salvador, 1990–1995*, pp. 286–287; Ian Johnstone, "Rights and Reconciliation in El Salvador," in Doyle, Johnstone, and Orr (eds.), *Keeping the Peace*, pp. 316–318.

²⁹ United Nations, "Letter Dated 8 October 1991 from El Salvador Transmitting the Text of the Mexico Agreement and Annexes Signed on 27 April 1991 by the Government of El Salvador and the FMLN," A/46/553-S/23130, October 9, 1991, in United Nations, *The United Nations and El Salvador, 1990–1995*, p. 168.

fied by name the military officers and other persons responsible for the worst human rights violations during the war. Most damaging was the description of the role of Defense Minister Rene Emilio Ponce, Vice Minister General Juan Orlando Zepeda, and virtually the entire high command in ordering the widely publicized 1989 massacre of six Jesuit priests and two female assistants.³⁰ The commission concluded by recommending

- Dismissal of all persons named in the report from the armed forces, the civil service, and the judiciary.
- Disqualification of all persons named in the report from public office for ten years.
- Resignation of all justices of the Supreme Court.
- Implementation of major Supreme Court reforms.
- Adoption of new legislation to guarantee due process in the criminal justice system, including measures to improve the effectiveness of *habeas corpus*.³¹

The Salvadoran government's initial reaction to the report was dismissive. Members of the Supreme Court denounced it and said they had no intention of resigning, and Defense Minister Ponce referred to it as "insolent."³² Less than a week after the commission report was released, the Salvadoran National Assembly approved a blanket amnesty for all abuses committed during the civil war.³³ However, the long-term impact of the report was still positive.

³⁰ Call, "Assessing El Salvador's Transition from Civil War to Peace," pp. 403–405.

³¹ "From Madness to Hope: The 12-Year War in El Salvador," Report of the Commission on the Truth for El Salvador, S/25500, April 1, 1993. Also see United Nations, "Report of the Secretary-General Containing an Analysis of the Recommendations of the Commission on the Truth," S/25812/Add.3, May 25, 1993, in *The United Nations and El Salvador, 1990–1995*, pp. 447–454.

³² Human Rights Watch/Americas, *Accountability and Human Rights: The Report of the United Nations Commission on the Truth for El Salvador*, Vol. 5, No. 7, 1993, p. 21. Supreme Court President Mauricio Gutierrez Castro noted "only God can remove me from my position—by taking my life" (Tracy Wilkinson, "Salvadoran Leader Blasts UN Report," *Los Angeles Times*, March 19, 1993).

³³ Margaret Popkin, *Justice Impugned: The Salvadoran Peace Accords and the Problem of Impunity*, Cambridge, MA: Hemisphere Initiatives, 1993, pp. 5–7.

An additional vehicle for post-conflict justice was the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups. This body was established jointly by the UN and the El Salvadoran government to investigate the infamous “death squads.”³⁴ The Joint Group consisted of El Salvador’s human rights ombudsman, the director of the Human Rights Division of the United Nations Observer Mission in El Salvador (ONUSAL), and two individuals named by President Cristiani. It issued its report in July 1994. Relying heavily on declassified U.S. government documents, the report concluded that there were unambiguous connections between the death squads and the El Salvadoran public security forces during the civil war. It also noted that the squads still existed after the peace accords, operating under the protection of some members of the armed forces and the National Police, and that the justice system “continued to provide the margin of impunity these structures require.”³⁵ The Joint Group’s main recommendation was to create a special unit within the Criminal Investigation Division of the National Civilian Police to continue the investigations. Little happened as a result. No one was dismissed or prosecuted for involvement in the death squads. In the end, the group did not meet the hopes of many of its proponents. However, it exceeded the expectations of some skeptics by drawing firm conclusions about the cases of death-squad activity that it showed were “directed, backed, covered up or tolerated by members of the military or police, the judicial organ or the municipal body.”³⁶

Effectiveness of Internal Security Forces

The security situation looked hopeful in the aftermath of the peace accords. By 1994, the FMLN had demobilized its 12,362 guerrillas and reconstituted itself as the second most powerful political party in the

³⁴ “From Madness to Hope: The 12-Year War in El Salvador.” Also see Johnstone, “Rights and Reconciliation in El Salvador,” pp. 323–325.

³⁵ “Report of the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups,” S/1994/989, October 22, 1994, p. 29.

³⁶ *Ibid.*, p. 27.

country. Significant demilitarization of society had also taken place.³⁷ The National Civilian Police had dismantled a major criminal gang and deployed police forces to guerrilla-controlled areas. But security effectiveness was short-lived. The police and other Salvadoran internal security forces were able to prevent a return to civil war, which had led to the death of more than 75,000 Salvadorans during the 1980s, but they were unable to stem a rising violent-crime wave.³⁸ A number of Latin American countries—especially Central American countries—also experienced a rise in crime rates over the course of the 1990s, though virtually none were as severe as that in El Salvador.

There were at least three reasons for the Salvadoran police's inability to curb the violent crime. First was the demobilization of thousands of former soldiers, policemen, and guerrilla combatants into a country with high unemployment. Within one year, more than 12,000 FMLN guerrillas, 20,000 soldiers, and 30,000 civil defense guards were demobilized. Second, reintegration efforts failed to secure sustainable jobs for these combatants.³⁹ A 1999 survey of El Salvador's prison inmates found that nearly one-third were former members of the armed forces, internal security forces, or FMLN.⁴⁰ Third, there

³⁷ Elisabeth Jean Wood, *Forging Democracy from Below: Insurgent Transitions in South Africa and El Salvador*, New York: Cambridge University Press, 2000; Tommie Sue Montgomery, *Revolution in El Salvador: From Civil Strife to Civil Peace*, 2nd ed., Boulder, CO: Westview Press, 1995; Terry Lynn Karl, "El Salvador's Negotiated Revolution," *Foreign Affairs*, Vol. 71, No. 2, Spring 1992.

³⁸ We recognize that if repression declines and people have more confidence in their law enforcement institutions, crime reporting will likely increase. Under these conditions, it may be crime reporting—rather than crime itself—that is increasing, which is a positive development. In El Salvador, however, the long-term trend over the 1990s shows a rising crime rate. Even if crime reporting increased in 1992 and 1993, crime rates continued to increase through the mid-1990s and remained high for the rest of the decade.

³⁹ United Nations, "Report Issued on 28 July 1994 by the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups," S/1994/989, 22 October 1994, in *The United Nations and El Salvador, 1990–1995*, pp. 568–574; William Stanley and Robert Loosle, "El Salvador: The Civilian Police Component of Peace Operations," in Robert B. Oakley, Michael J. Dziedzic, and Eliot M. Goldberg (eds.), *Policing the New World Disorder: Peace Operations and Public Security*, Honolulu, HI: University Press of the Pacific, 2002, p. 117; Call, "Democratisation, War and State-Building," p. 843.

⁴⁰ José Miguel Cruz, *El Crimen Violento en El Salvador: Factores Sociales y Económicos Asociados*, San Salvador: Instituto Universitario de Opinión Pública, Universidad Centroamericana, 2000.

were too few remaining Salvadoran internal security forces available to deal with the increasing criminal activity, and there were also almost no international soldiers or civilian police to assist them. The turnover of entire investigative units meant that networks of informants, cases, and analysis had to be reconstructed quickly.

Between 1993 and 1997, crime was consistently ranked in surveys conducted by the Central American University's Public Opinion Institute as the most significant problem facing the country.⁴¹ In a 1993 survey, 89 percent of the respondents believed that crime had increased, and more than two-thirds were afraid of being assaulted in their homes. In addition, 34 percent stated that they or an immediate family member had been robbed during the previous four months.⁴² As Figure 3.1 shows, homicides significantly increased in the first few years following the Chapultepec Accords, more than doubling from a total of 3,229 in 1992 to 7,663 in 1994. The homicide rate reached 139 murders per 100,000 inhabitants in 1997, one of the highest in the world (behind South Africa). In 1995, deaths by homicide exceeded the average annual number of deaths during the 12-year civil war.⁴³ A World Bank survey of business enterprises in 1996 found that expenditures on security had risen by 85 percent since 1990, with an increase of almost 300 percent among small firms.⁴⁴ Criminal organizations ranged from heavily armed rural gangs that robbed and terrorized communities and highway travelers to highly sophisticated kidnapping and car-theft rings. In response to the increase in crime, some groups resorted to vigilante justice. Between December 1994 and March 1995, a group that called itself Black Shadow claimed responsibility for assassinat-

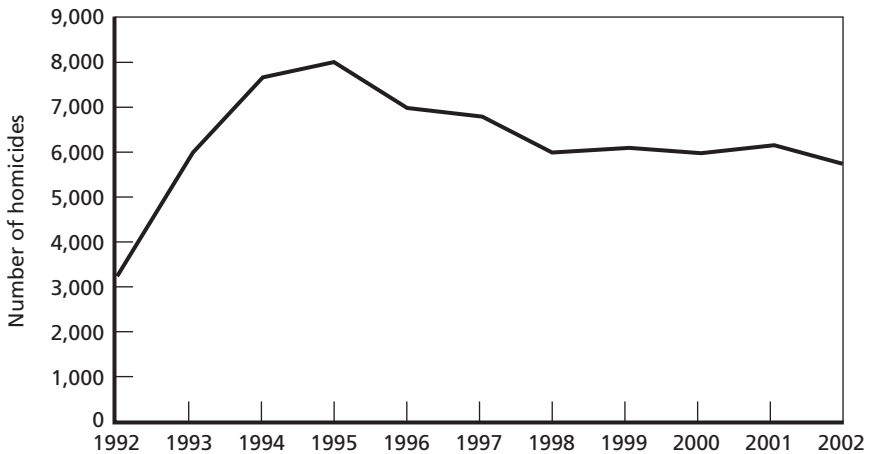
⁴¹ Polling results in Instituto Universitario de Opinión Pública, *Estudios Centroamericanos*, September 1993, August 1994, May–June 1995, May June 1996, and June 1997.

⁴² Instituto Universitario de Opinión Pública, “La Delincuencia Urbana,” pp. 471–479.

⁴³ Glenn Garvin, “Civil War Over, but Violence Goes On,” *Miami Herald*, August 4, 1997, p. A1. On public opinion and security, also see publications from the Instituto Universitario de Opinión Pública in San Salvador such as *Evaluación del País a Finales de 1998*, San Salvador: El Instituto Universitario de Opinión Pública, Universidad Centroamericana, 1999; Call, “Assessing El Salvador’s Transition from Civil War to Peace,” p. 402.

⁴⁴ World Bank, *El Salvador: Meeting the Challenge of Globalization*, Washington, DC: World Bank, 1996, p. 80.

Figure 3.1
Homicides in El Salvador, 1992–2002



SOURCE: Call, "Democratisation, War and State-Building."

RAND MG550-3.1

ing 16 known criminals who had avoided prosecution in the city of San Miguel.⁴⁵ National Civilian Police officers were often ineffective in countering criminal organizations and quelling riots, as demonstrated in November 1994, when the government called in soldiers to support the police during a protest by bus owners.⁴⁶

Impact of U.S. Assistance on Human Rights

How successful was U.S. assistance in helping improve the accountability and human rights practices of El Salvador's internal security agencies? An examination of qualitative and quantitative evidence shows that the United States and other actors such as the UN were somewhat successful. The UN reported a significant improvement in

⁴⁵ Amnesty International, *El Salvador: The Spectre of Death Squads*, New York, 1996; Call, "Democratisation, War and State-Building," p. 842.

⁴⁶ United Nations, "Report of the Secretary-General on the United Nations Observer Mission in El Salvador," S/1995/220, March 24, 1995, p. 5.

human rights in El Salvador between 1991 and 1995, including the end of “disappearances.”⁴⁷ The Human Rights Institute of the University of Central America reported 12 killings attributed to police or military forces in 1995, compared with thousands per year during the war.⁴⁸ One study concluded, “Nine years after the accords were signed, the [National Civilian Police] was more humane and accountable than the old security forces. In contrast to the past, [National Civilian Police] officers accused of torture, killings, vigilante activities and excessive use of force were subject to internal sanctions and to judicial prosecution.”⁴⁹ In addition, El Salvador was one of the first Latin American countries to submit its officer corps to some external review and vetting. Its worst human rights violators were purged, its budget was reduced, and new levels of accountability and civilian input were reached. By 2002, the army was roughly the same size as the National Civilian Police, and its missions and doctrine reflected significant emphasis on external defense, respect for human rights, and civilian control.

This improvement is impressive in light of the human rights abuses during the 1980s. According to one estimate, the Salvadoran military and police committed more than 10,000 politically motivated murders in 1981 alone.⁵⁰ Government forces committed roughly 85 percent of the abuses, death squads were responsible for 10 percent, and the FMLN committed 5 percent.⁵¹ While there is some debate about the identity of those involved in death squads, there is significant evidence of involvement by National Republican Alliance party officials and government security forces.⁵² Amnesty International’s assessment

⁴⁷ United Nations, “Report of the Secretary-General on the United Nations Observer Mission in El Salvador,” March 24, 1995.

⁴⁸ Procuraduría para la Defensa de los Derechos Humanos, “Informe de Labores, Junio 1997–Mayo 1998,” San Salvador, 1998, pp. 230–238. Also see Call, “Democratisation, War and State-Building,” p. 846.

⁴⁹ Call, “Assessing El Salvador’s Transition from Civil War to Peace,” p. 402.

⁵⁰ Childress, *The Effectiveness of U.S. Training Efforts*, p. 19; Call, “Democratisation, War and State-Building,” p. 831.

⁵¹ See, for example, Leigh Binford, *The El Mozote Massacre*, Tucson, AZ: University of Arizona Press, 1996, p. 63.

⁵² *American Counterinsurgency Doctrine and El Salvador*, p. 41.

of such involvement concluded that “the squads are made up of regular army and police agents, acting in uniform or plainclothes, under the direction of superior officers.”⁵³ In addition, El Salvador had a deeply corrupt and ineffective justice system. The Supreme Court held an overwhelming amount of judicial power, the selection of Supreme Court justices was highly politicized, and the justice system was not independent from the executive or legislative branches.⁵⁴ “The judicial system was so debilitated that it became imprisoned by intimidation and vulnerable to corruption,” concluded El Salvador’s Truth Commission. “Given that the justice system has never enjoyed true institutional independence from the legislative and executive branches, its inefficiency only increased until it became, either because of inaction or an unfortunate attitude of subservience, a contributing factor to the tragedy that the country has suffered.”⁵⁵

Documented Cases

Despite the reduction in human rights abuses by Salvadoran police and other security forces, there were some documented cases. As noted earlier, the Black Shadow group performed a number of assassinations and issued death threats to combat crime and act as a social clean-up squad. There was some evidence that its members included former soldiers and that it had at least the tacit support of the National Civilian Police. In addition, the lack of government investigations contributed to the sense that these activities were at least tolerated by the Salvadoran police.⁵⁶

⁵³ Amnesty International, *El Salvador: “Death Squads”—A Government Strategy*, 1988, p. 9. In addition, former U.S. Ambassador to El Salvador Robert White argued before the Committee on Foreign Affairs in the House of Representatives that there were American Embassy reports which detailed “the intimate collaboration which exists between high military commanders and death squads.” Quoted in Robert Leiken and Barry Rubin (eds.), *The Central American Crisis Reader*, New York: Summit Books, 1987, p. 566.

⁵⁴ Stanley and Loosle, “El Salvador,” pp. 135–137; Johnstone, “Rights and Reconciliation in El Salvador,” pp. 332–335; David Holiday and William Stanley, “Building the Peace: Preliminary Lessons from El Salvador,” *Journal of International Affairs*, Vol. 46, No. 2, Winter 1993, pp. 423–424.

⁵⁵ “From Madness to Hope: The 12-Year War in El Salvador.”

⁵⁶ Amnesty International, *El Salvador: The Spectre of Death Squads*; Human Rights Watch/Americas, *El Salvador, Darkening Horizons: Human Rights on the Eve of the March 1994 Elections*, New York, 1994.

While there was a significant decline in police and military killings, human rights violations took the form of excessive or illegal use of force by police against suspected criminals.⁵⁷ Since UN police observers accompanied National Civilian Police patrols and monitored their performance, they witnessed some human rights abuses, including arbitrary executions, excessive use of force, threats, and arbitrary detentions.⁵⁸ Some police officers, including the Chief of the Investigative Department, were also involved in criminal activities.⁵⁹

Public Perception

One of the most striking developments after the peace accords was an improvement in the public perception of human rights practices of the Salvadoran government and its security forces. One useful step was the establishment of an emergency services system for those with access to a telephone, which improved police response. The Justice Department also helped establish Community Police Intervention Patrols, an effort to establish community policing in Salvadoran cities and towns. Public opinion polls in 1995 and 1998 showed that the National Human Rights Advocate's Office was regarded as the institution that contributed most to protecting human rights in El Salvador. The population also exhibited a high degree of trust in the National Civilian Police, which polled third behind the Advocate's Office and the Catholic Church among state institutions.⁶⁰

Figure 3.2 shows the public perception of political, civil, and human rights practices in El Salvador and five other countries in the region: Costa Rica, Guatemala, Haiti, Mexico, and Panama. Based on

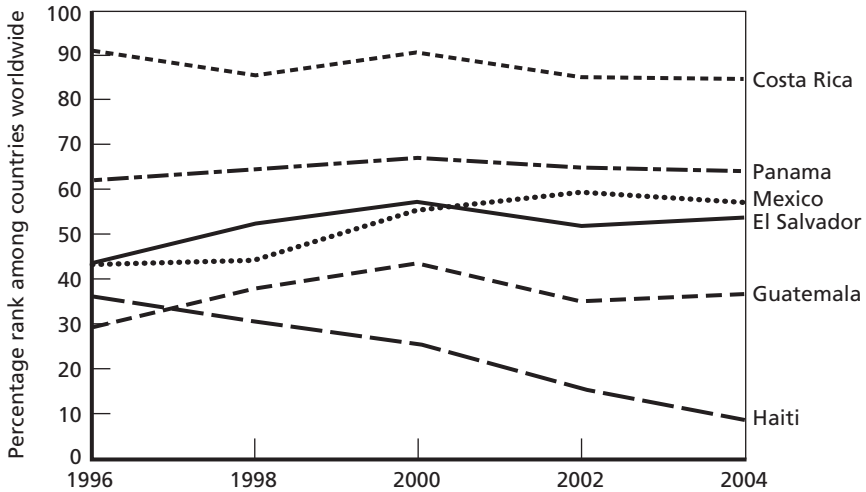
⁵⁷ Procuraduría para la Defensa de los Derechos Humanos, pp. 230–238. Also see Call, “Democratisation, War and State-Building,” p. 846.

⁵⁸ United Nations, “Report of the Secretary-General on the United Nations Observer Mission in El Salvador,” March 24, 1995; “Report Issued on 28 July 1994 by the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups,” S/1994/989, 22 October 1994, in *The United Nations and El Salvador, 1990–1995*, p. 570.

⁵⁹ United Nations, “Report of the Secretary-General on the United Nations Observer Mission in El Salvador,” March 24, 1995, pp. 1–3.

⁶⁰ Call, “Assessing El Salvador's Transition from Civil War to Peace,” p. 407; Pérez, “Democratic Legitimacy and Public Insecurity,” p. 634.

Figure 3.2
Public Perception of Political, Civil, and Human Rights Practices
in Six Countries



SOURCE: World Bank Governance Indicators dataset.

RAND MG550-3.2

World Bank data, it presents the percentile rank of each country's political, civil, and human rights practices from 1996 to 2004. Percentile rank indicates the percentage of countries worldwide that rate below a particular country, subject to a margin of error.⁶¹ The figure shows that El Salvador's human rights practices improved modestly over this period, especially compared with other governments in the region. In Haiti, for example, human rights practices significantly declined. In others, such as Panama and Guatemala, there was little change in political, civil, or human rights practices.

Data from Freedom House also indicate an improvement in civil liberties and human rights practices in El Salvador. Freedom House reported that during the 1980s, there was significant censorship, political terror, and prevention of association in El Salvador, giving it a score of five on its seven-point scale of civil liberties (a score of seven indi-

⁶¹ Kaufmann, Kraay, and Mastruzzi, *Governance Matters IV*.

cated states with extreme repression and extraordinary human rights abuses). By the early 1990s, however, El Salvador had moved to a three, as the government's human rights practices and civil liberties began to improve. As Freedom House concluded, "The peace accords led to a significant reduction in human rights violations."⁶² The doctrine of the new National Civilian Police force emphasized human rights and citizen protection, its armament and training emphasized human rights and citizen protection, and its officers and ranks were predominantly civilians with no military background.⁶³ There were still some challenges, however. For example, the Salvadoran government failed to turn over some of its records to UN vetting officials, who did not know the backgrounds of some applicants.⁶⁴

David L. Cingranelli and David L. Richards similarly assert that the human rights situation improved over the course of U.S. and UN assistance to Salvadoran internal security forces. Their research shows that the use of extrajudicial killings and political imprisonment by the Salvadoran government notably declined following U.S. assistance to the police in the aftermath of the peace accords. They reported that by 1993, there were no major cases of political imprisonment by Salvadoran internal security forces—a significant change from only two years before. They define extrajudicial killings as murders by government officials without due process of law, and they define political imprisonment as the incarceration of people by government officials for reasons such as speech, nonviolent opposition to government policies or leaders, religious beliefs, nonviolent religious practices (including proselytizing), or membership in a group, including an ethnic or racial group. While the use of extrajudicial killing and political imprisonment declined in El Salvador, the Cingranelli-Richards (CIRI) Human

⁶² Freedom House, *Freedom in the World 2005*, p. 214.

⁶³ Charles T. Call, "War Transitions and the New Civilian Security in Latin America," *Comparative Politics*, Vol. 35, No. 1, October 2002, pp. 1–20.

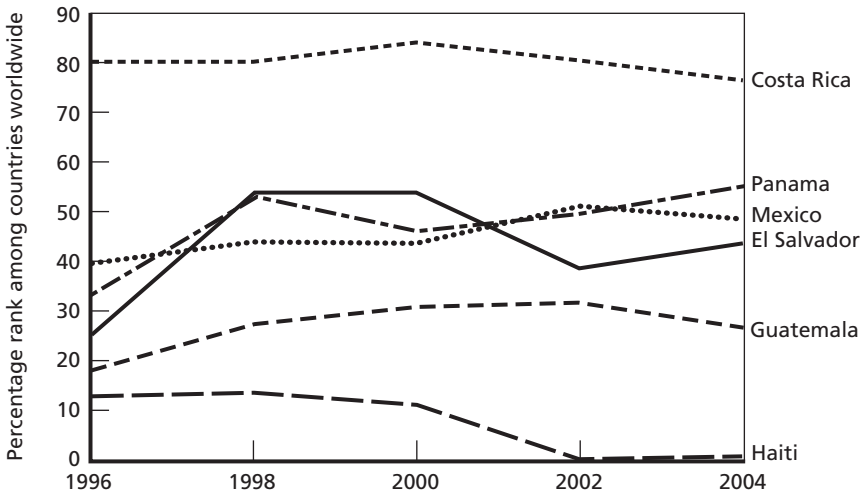
⁶⁴ William Stanley, *Risking Failure: The Problems and Promise of the New Civilian Police in El Salvador*, Cambridge, MA: Hemisphere Initiatives, March 1994; Stanley, *Protectors or Perpetrators? The Institutional Crisis of the Salvadoran Civilian Police*, Cambridge, MA: Hemisphere Initiatives, 1996.

Rights Dataset shows that it increased or did not improve in a number of other countries in the region, including Haiti and Mexico.⁶⁵

Corruption

Government corruption in El Salvador has also declined but remains a serious problem. Figure 3.3 shows World Bank data on corruption in El Salvador and five other countries in the region: Costa Rica, Guatemala, Haiti, Mexico, and Panama. It measures the percentile rank of each country's ability to control corruption from 1996 to 2004. Corruption refers to the exercise of public power for private gain, including both petty and grand corruption. Percentile rank indicates the percentage of countries worldwide that rate below a particular country, subject to a margin of error.⁶⁶ The lower a country's percentage rank, the more significant is its

Figure 3.3
Public Perception of Corruption in Six Countries



SOURCE: World Bank Governance Indicators dataset.

RAND MG550-3.3

⁶⁵ David L. Cingranelli and David L. Richards, "Cingranelli-Richards (CIRI) Human Rights Dataset," 2005.

⁶⁶ Kaufmann, Kraay, and Mastruzzi, *Governance Matters IV*.

corruption problem. Corruption in El Salvador improved from 1996 to 1998, worsened slightly in 2002, and then improved again by 2004. Corruption levels in countries across the region varied considerably. In some countries, such as Haiti, corruption became more deeply entrenched. In others, such as Costa Rica, corruption levels in 2004 were comparable to what they were in 1996.

Police corruption in El Salvador was a serious problem for much of the 1990s. The Salvadoran government failed to establish an internal affairs unit within the police during the first year and a half after the creation of the new force, and this allowed organized crime to develop deep roots within the force.⁶⁷ In 2000, the main quick-response unit was dismantled because many of its members had established a crime racket.⁶⁸

Corruption was particularly acute in the judicial system. Public opinion polls in 1996 and 1997 showed the judiciary near the bottom of public regard for state institutions.⁶⁹ Poor training and a lack of sustained disciplinary action for judges, as well as continued corruption, a lack of professionalism, and a slow system of processing cases, greatly undermined public confidence. By 2005, Transparency International ranked El Salvador 51 out of 158 countries in its corruption index.⁷⁰

Conclusion

A 2003 report on El Salvador concluded: “By 1995 El Salvador’s touted police reform showed significant achievements. The public security system was firmly under civilian control, significantly more accountable to elected authorities than any prior security force.” It also stated that the police were viewed as “a principal defender of human rights.”⁷¹

⁶⁷ Stanley, *Protectors or Perpetrators?*

⁶⁸ Call, “Democratisation, War and State-Building,” p. 844.

⁶⁹ Call, “Assessing El Salvador’s Transition from Civil War to Peace,” p. 408.

⁷⁰ Transparency International, *Transparency Corruption Perception Index 2005*, Berlin: Transparency International, 2005.

⁷¹ Call, “Democratisation, War and State-Building,” p. 847.

The United States was able to help in improving the accountability and human rights practices of the police for at least two major reasons. First, there was some support for reform from Salvadoran political, police, and military officials—though often the result of substantial pressure from the United States, the UN, and other international actors. The Justice Department and the U.S. military played an important part in undermining the Salvadoran military’s role in internal security, and they helped disband several of its forces that were involved in major human rights abuses. Second, the process of rebuilding the police from scratch permitted significant institutional development. This development consisted of more than simply receiving assistance and training. Several institutional reforms improved the accountability and human rights practices of the police:

- A significant percentage of the new police force had to be new recruits with no combat history.
- The legislature had the power to remove the National Civilian Police director if the police committed human rights abuses.
- The National Guard, the Treasury Police, and the National Police were abolished.
- A new National Public Security Academy was established to train police recruits.
- A National Human Rights Advocate’s Office was established to monitor human rights abuses.

In addition, the work of the ad hoc commission and, to some degree, the Truth Commission was useful in identifying those involved in past human rights atrocities and monitoring current abuses. But U.S. assistance did not improve the effectiveness of Salvadoran internal security forces, which failed to stem a rise in violent crime. The demobilization of thousands of former soldiers, policemen, and guerrillas into a country with high unemployment led to a severe crime problem. Within one year, more than 60,000 combatants were demobilized, creating an “enforcement gap”—there were too few competent

police and other security forces to ensure law and order.⁷² The disruption of the internal security system also took a toll, since the turnover of entire investigative units meant that networks of informants, cases, and analysis had to be reconstructed. In sum, the failure to improve the effectiveness of Salvadoran police demonstrates that there may be some short-term tradeoffs in improving both the human rights and accountability of internal security forces and their effectiveness in dealing with internal security threats. There is no universal solution to this situation. In some cases, it may be more practical in the short term to fill the enforcement gap and temporarily suspend comprehensive—though not all—efforts to improve accountability and human rights. Over the medium term, the United States and other international actors could then shift back to improving accountability and human rights. In the long run, however, human rights and effectiveness must go hand in hand. Both are critical in establishing internal security forces that are effective and accountable to the population.

⁷² On the enforcement gap, see Michael J. Dziedzic, “Introduction,” in Oakley, Dziedzic, and Goldberg (eds.), *Policing the New World Disorder*, pp. 11–13.

Uzbekistan

U.S. security cooperation with Uzbekistan has developed significantly since Uzbekistan became independent in 1991, following the breakup of the Soviet Union. Security contacts began in 1994 through the Cooperative Threat Reduction (CTR) program.¹ These efforts focused initially on finding peaceful work for former Uzbek weapons scientists and the elimination of biological-weapons infrastructure. In 1998, the program was expanded to include border control efforts, in keeping with the counterproliferation imperatives of CTR. Ties continued to develop from that point on but remained fairly low-key; a total of just under \$190 million in overall assistance had been provided as of September 30, 2000. This level of assistance reflected the extent of prioritization of U.S. concerns with political transition, security, and transnational threats in Uzbekistan and the region as a whole.² Relations deepened in late 2001 following Uzbekistan's assistance in Operation Enduring Freedom, which included U.S. access to the military base in Karshi-Khanabad. In fiscal year 2002, the United States offered a \$100 million supplemental funding package for aid to the Uzbeks—\$130.39 million in expenditures (out of \$175.99 million obligated)—

¹ The CTR program works to eliminate the Soviet Union's legacy of weapons of mass destruction (WMD) and related infrastructure from the territories of its successor states, in accordance with international agreements and treaties.

² See Olga Oliker and David A. Shlapak, *U.S. Interests in Central Asia: Policy Priorities and Military Roles*, Santa Monica, CA: RAND Corporation, 2005.

which dwarfed the previous year's \$47.33 million (out of \$54.72 million obligated).³

Security cooperation in the military realm has been the most visible component of the U.S.-Uzbek relationship. However, the United States has also worked with Tashkent on a variety of other issues, including political and economic reform. Moreover, it has provided security assistance for a variety of nonmilitary activities, including counterterrorism, border control, counterproliferation, legal reform, and judicial reform.

Despite this assistance, Uzbekistan has not greatly improved its performance in the areas of human rights, democratization, and transparency. As one U.S. government official stated in an interview for this report, Uzbekistan is an oligarchy and a kleptocracy.⁴ State Department indicators for economic and democratic reforms, as well as for human development, are dismal and show stagnation or backtracking in many areas.⁵ Although some steps forward can be cited, particularly in developing appropriate legislation and legal codes in such areas as human trafficking, a variety of abuses continue to be documented. The consensus among specialists and U.S. government officials interviewed for this study is that the Uzbek government has grown more, rather than less, repressive over time. In 2004, the State Department was unable to certify that Uzbekistan met its commitments to economic and political reform, thus effectively preventing any 2004 or future-year spending on a number of security-related programs.

The failure to certify Uzbekistan marked a clear deterioration in relations between it and the United States. These relations further deteriorated following the May 2005 events in Andijan province, where a jailbreak evolved into a political demonstration which turned deadly

³ U.S. Department of State, "Annual Reports on U.S. Government Assistance to and Co-operative Activities with the New Independent States of the Former Soviet Union, FY 2000–2003," available at <http://www.state.gov/p/eur/rls/rpt/nisassst>; author interviews with U.S. officials, September, October 2005.

⁴ Author interview with U.S. official, October 2005.

⁵ See U.S. Department of State, "Uzbekistan," in *U.S. Government Assistance to and Co-operative Activities with Eurasia, Fiscal Year 2005*, prepared by the Office of the Coordinator of U.S. Assistance to Europe and Eurasia, Washington, DC, January 2006.

and met with with violent government use of force. How many people were killed at Andijan may never be known. The Uzbek government reported a total of 187, while other estimates range into the thousands. In the aftermath of Andijan, the United States called for an independent investigation, and Uzbekistan cut off a number of key contacts, including many in the security realm. In July 2005, Uzbekistan asked U.S. military forces to leave Karshi-Khanabad (Uzbek officials say that this was unrelated to the U.S. response to Andijan),⁶ and relations have continued to deteriorate since then.

In this context, it is important to ask whether the assistance the United States provided to Uzbekistan advanced U.S. goals, including the fight against terrorism and the development and spread of democracy. This chapter considers the history and results of U.S. assistance to Uzbekistan for nonmilitary security to determine what we can learn for future efforts in Uzbekistan and for U.S. policy more broadly.

Security Threats

Uzbekistan faces a variety of threats both from without and from within. Prior to Operation Enduring Freedom, the Taliban regime in Afghanistan presented a security threat, and so did al Qaeda, which trained and supported the Islamic Movement of Uzbekistan (IMU), a radical group seeking the overthrow of Uzbekistan's government and the establishment of an Islamist state. The IMU was predominantly based in Afghanistan and Tajikistan, and it attempted violent incursions into Uzbekistan and Kyrgyzstan in 1999, 2000, and 2001. It was also blamed for a set of 16 coordinated bombings in Tashkent, the Uzbek capital, in February 1999.⁷ While coalition forces were able to significantly degrade its capabilities by attacking its infrastructure and personnel in Afghanistan during Operation Enduring Freedom, the IMU and other groups that share its aims continue to operate, and

⁶ Author interviews with Uzbek officials, summer, fall 2005.

⁷ Others have suggested, however, that the bombings reflected criminal, rather than political, actions. This is mentioned by Tamara Makarenko, "Crime, Terror and the Central Asian Drug Trade," *Harvard Asia Quarterly*, Summer 2002.

the Uzbek regime sees them as a continuing threat. Indeed, terrorist bombings in Kyrgyzstan in December 2002 and March 2003, as well as bombings in Uzbekistan in March, April, and July 2004, are indicators that a threat exists.

The Uzbek government is also rightly concerned about the flow of narcotics into the country. Afghanistan is at the center of the global opium poppy trade, and Uzbekistan is an important transit route to Russia and other European destinations. Here, as elsewhere, the extent to which terrorist groups are financed by and linked to drug traffickers remains unclear, but some connections do exist.⁸ Moreover, the narcotics trade poses significant security concerns in its own right. Although the Central Asian countries have traditionally been transit countries, narcotics use in these countries has risen in recent years. Data in the United Nations Office on Drugs and Crime *2006 World Drug Report* indicate that about 0.5 percent of Uzbeks were users of opiates in 2001 (the year for which data were available), and 4.2 percent used cannabis in 2003. However, that same report indicates that of those treated for drug problems in Uzbekistan in 2003 and 2004, 78.8 percent were primary users of opiates. In Central Asia, as in Eastern Europe, drug use has led to the rise of HIV/AIDS, with most infections linked to the use of intravenous narcotics. According to the UN, about 31,000 people were estimated (with a low estimate of 15,000 people and a high estimate of 99,000) to be infected with HIV in Uzbekistan as of 2005. UN officials estimate the adult prevalence rate to be 0.2 percent (it could be as high as 0.7 percent). This is in comparison to 51 cases at most in 1998.⁹

⁸ See, for example, Makarenko, "Crime, Terror and the Central Asian Drug Trade." Both the lack of clarity about the extent of links and the evidence that some exist are also supported by author interviews with U.S. government officials involved in these issues, October 2005.

⁹ Golnaz Esfandiari, "Central Asia: Drug Addiction Is on the Rise (Part 1)," *Radio Free Europe/Radio Liberty*, June 22, 2004; and Golnaz Esfandiari, "Central Asia: Drug Trafficking Has Devastating Social, Economic Impact (Part 2)," *Radio Free Europe/Radio Liberty*, June 22, 2004. For statistical data and analysis, see "Uzbekistan," in the series Epidemiological Fact Sheets on HIV/AIDS and Sexually Transmitted Infections, UNAIDS/WHO Working Group on Global HIV/AIDS and STI Surveillance, 2006 Update; United Nations, *2006 World Drug Report, Volume I, Analysis*, United Nations Office of Drugs and Crime, June 2006; and United Nations, *2006 World Drug Report, Volume II, Statistics*, United Nations Office of Drugs and Crime, June 2006.

Organized crime is another internal security concern. Like the drug trade, it is exacerbated by corruption and a lack of transparency in the Uzbek government, where bribes remain commonplace.¹⁰ Organized crime feeds into the cycle of illicit trafficking of weapons, people, and illegal goods that are transported from, to, and through Uzbekistan. Efforts have also been made to move materials related to the production of weapons of mass destruction (WMD) through the region.

Central Asian authorities, especially in Uzbekistan, have also grown increasingly concerned in recent years about the rise of Islamic radicalism, particularly movements that aim for the establishment of a caliphate. The group that has attracted the most attention is the Hizb ut-Tahrir, a global organization with a significant following in Uzbekistan. The Hizb ut-Tahrir explicitly states that it does not espouse violence. But it seeks the overthrow of regional leaders, including (perhaps especially) President Islam Karimov, and the establishment of a global caliphate. Uzbek officials see the Hizb ut-Tahrir as a terrorist group and have sought to shut down its operations. The group continues to function, however, partly because of foreign funding and partly because of its capacity to strike a chord among Uzbeks who are disaffected with their government.

Uzbekistan's Karimov and those in his inner circle have consistently grouped threats to the state together with threats to their rule. This is not limited to truly radical groups such as Hizb ut-Tahrir, however. The tendencies toward increased authoritarianism have progressed alongside crackdowns on all political opposition, religious and otherwise, and Karimov's regime consistently conflates radical violent opponents with nonviolent political opponents. Political opposition and religious activism tend to be classed as "terrorism" by Uzbek authorities alongside actual violent political actions. The Uzbek government has consistently used the terror threat as a pretext for general crackdowns on opposition and Islamic groups and individuals, regardless of whether they espouse political violence. This is in an atmosphere where

¹⁰ U.S. Department of State, "Uzbekistan," *Country Reports on Human Rights Practices—2004*, Bureau of Democracy, Human Rights, and Labor, Washington, DC, February 28, 2005.

the only legal political parties are staunchly pro-government and the parliament is a rubber stamp for the executive branch.

There is no free press in Uzbekistan, and independent journalists are harassed and report receiving government instructions on how to cover events. What opposition exists consists of banned political parties, human rights activists, an occasional protest by farmers, and, of course, the radical Islamist groups discussed above. Representatives of all these groups, as well as journalists, have been subject to harassment of various sorts, including arrests, erroneous accusations, forced psychiatric treatment, and beatings. While peaceful demonstrations are in principle legal, they are monitored by the police—often with cameras to record who is present. Police also often break up the demonstrations forcibly. These tactics are eerily reminiscent of Soviet-era responses to opposition and have shown little sign of abating in recent years.¹¹ If anything, events such as the 1999 and 2004 bombings have served as an excuse for greater crackdowns. Moreover, the same structures in Uzbek city police forces that bear responsibility for counterterrorism are also responsible for responding to public protests and social unrest. These units follow, threaten, and harass democracy and human rights activists and political opposition members, and they reportedly keep lists of such “dangerous persons.”¹²

From the U.S. perspective, some of the threats to Uzbekistan are, to varying degrees, threats to the United States. These include transnational threats. For example, while it is unlikely that much of the

¹¹ Author interviews, October 2005; Human Rights Watch, “Leave No Witnesses: Uzbekistan’s Campaign Against Rights Defenders,” *Human Rights Watch*, Vol. 12, No. 4, March 1, 2000; International Crisis Group, *Uzbekistan’s Reform Program: Illusion or Reality*, Asia Report No. 46, February 18, 2003; International Crisis Group, *The Failure of Reform in Uzbekistan: Ways Forward for the International Community*, Asia Report No. 76, March 11, 2004; Human Rights Watch, *Creating Enemies of the State: Religious Persecution in Uzbekistan*, March 30, 2004; U.S. Department of State, “Uzbekistan,” *Country Reports on Human Rights Practices—2004*; Human Rights Watch, *Uzbekistan: Psychiatric Drugs Used to Punish Activist*, October 21, 2005; Human Rights Watch, *Uzbekistan: Jailed Opposition Leader’s Health at Risk*, November 1, 2005. Furthermore, the U.S. State Department Human Rights Report listed above, *State Violence in Uzbekistan: An Alternative Report to the United Nations Human Rights Committee, 83d Session*, and Human Rights Watch’s Uzbekistan page (<http://www.hrw.org/doc?t=europe&c=uzbeki>) provide significant additional information.

¹² U.S. Department of State, “Uzbekistan,” *Country Reports on Human Rights Practices—2004*; author interviews in Uzbekistan, October 2005.

drug trade transiting Uzbekistan brings illegal substances into the United States, it does directly affect Russia and Europe, with an indirect impact on U.S. interests. Moreover, the source country for opium poppy, Afghanistan, is a core U.S. interest in its war on terrorism. The mitigation of the Afghan economy's dependence on the narcotics trade is critical to Afghanistan's eventual success. The IMU, especially with its links to al Qaeda and the Taliban, is also a threat to the United States. Nonviolent groups, such as the Hizb ut-Tahrir, present a different degree of threat because they are radical but not necessarily violent. The extent to which the Uzbek regime, intentionally or otherwise, exaggerates the threat of radicalism is not clear. But reports of alignment between the Hizb ut-Tahrir and the IMU, as well as the development of new groups, cited by Uzbek and other Central Asian officials, frequently draw skepticism from analysts.¹³

U.S. Assistance

The U.S. government has been consistent in its statements regarding the need for political and economic reform in Uzbekistan, even as it has sought to also assist and cooperate with Uzbekistan in the security arena. The 2002 Strategic Partnership Framework Declaration pledged to "regard with grave concern" external threats to Uzbek security, but it also encouraged Uzbekistan to "intensify the democratic transformation of its society politically and economically." The declaration was fairly explicit in describing a broad range of areas in which reform was to be undertaken, including rule of law, democratic values, and pluralism of opinion. It also committed the United States to assisting Uzbekistan with these reforms.¹⁴

Uzbekistan's failure to abide by these pledges, however, has grown increasingly evident over time. Despite positive statements by govern-

¹³ See International Crisis Group, *Radical Islam in Central Asia: Responding to Hizb ut-Tahrir*, Asia Report No. 58, June 30, 2003.

¹⁴ U.S. Department of State, "Declaration on the Strategic Partnership and Cooperation Framework Between the United States of America and the Republic of Uzbekistan," July 8, 2002, available at <http://www.fas.org/terrorism/at/docs/2002/US-UzbekPartnership.htm>.

ment officials, including Karimov, there has been little evidence of improvement. Indeed, Uzbekistan's economic policies, which closed borders to shuttle trade and imposed high tariffs, increased public discontent, and there remained no real outlets for dissent. The U.S. government's inability to certify that Uzbekistan was making progress in accordance with its pledges led to the prohibition of new assistance funds to the Uzbek government. Some exceptions were made regarding human rights aid, health care programs, anti-torture and anti-trafficking (drugs and humans) programs, counterterrorism aid, and assistance to help achieve accession to the World Trade Organization (WTO). Other programs, including most security assistance programs, were (and, to the extent that they remain extant, are) funded through moneys appropriated prior to fiscal year 2004.¹⁵ Moreover, the Uzbek government has refused assistance and cooperation in a number of areas since ties began to deteriorate. Cooperation has declined particularly in the aftermath of Andijan.

Before we can discuss U.S. assistance to Uzbek internal security structures, we must first discuss the organizations that are involved. The Uzbek Ministry of Interior oversees the local police forces, as well as some paramilitary specialized units. It is also responsible for counterterror and counterdrug efforts. As indicated above, its personnel and units have been implicated in a variety of human rights abuses. The National Security Service (SNB), the country's primary intelligence service, focuses on terrorism and religious extremism, though this can also include political opposition. The SNB has been responsible for harassment of opposition figures, both secular and religious, and of the media.¹⁶ It has been accused of the most egregious forms of torture.¹⁷

¹⁵ U.S. Department of State, "Uzbekistan," in *U.S. Government Assistance to and Cooperative Activities with Eurasia, Fiscal Year 2004*, January 2005.

¹⁶ See International Crisis Group, *Central Asia: The Politics of Police Reform*, and more recently, Reporters Without Borders, *Uzbekistan: 2005 Annual Report*, March 5, 2005, available at http://www.rsf.org/print.php3?id_article=13459; Committee to Protect Journalists, "Erkin Yakubjanov, International Media Support: Imprisoned," July 18, 2005, posted August 2, 2005, available at http://www.cpj.org/cases05/europe_cases05/uzbek.html.

¹⁷ U.S. Department of State, "Uzbekistan," *Country Reports on Human Rights Practices—2004*; Neil MacKay, "These Two Men Are Experts on Rendition: One Invented It, the Other Has Seen Its Full Horrors," *The Sunday Herald*, October 16, 2005.

Uzbekistan's border protection force, nominally independent, remains tightly linked to the SNB. It has not been linked to major human rights abuses, although there are occasional reports of shootings, particularly along the borders with Kazakhstan and, more recently, Turkmenistan, where illegal trade in goods and gas is common. These incidents may have more to do with corruption than with either border control efforts or repression, and they can be characterized as efforts to gain the spoils of smuggling. Uzbekistan's State Customs Committee, which also has cooperated with the United States and has received security assistance, is another independent agency that coordinates its work with the SNB and the border forces.¹⁸ Although the Ministry of Defense does not, in principle, have internal security functions, the Defense Minister is responsible for coordinating U.S. security assistance to Uzbekistan as a whole. The decision to put the Defense Minister in charge was taken as a result of U.S. pressure to better integrate the interagency decision-making process in Uzbekistan and to help streamline assistance efforts, eliminating redundancies and incompatibilities.

With this broad range of structures and organizations involved, the United States has provided assistance to—and cooperated with—a variety of agencies. In the United States, the coordinating role is played by the State Department Coordinator of U.S. Assistance to Europe and Eurasia. Aid to internal security organizations is provided by the State Department itself, the Justice Department, DEA, the Defense Department (primarily for counterproliferation assistance), and the Department of Energy. In addition, there are reports of significant intelligence cooperation, which may include some internal security components. For example, the CIA's reported rendition of terrorism suspects to Uzbekistan would likely have subjected them to the threat of torture by the SNB.¹⁹ U.S. officials report that counterterrorism cooperation continues with Uzbekistan. While intelligence coordination efforts are beyond the scope of the present report, we encourage others to explore these issues in the future.

¹⁸ Jane's Information Group, "Uzbekistan: Security and Foreign Forces," *Jane's Sentinel Security Assessment*, August 5, 2005; author interviews in Uzbekistan, October, 2005.

¹⁹ MacKay, "These Two Men Are Experts."

Border efforts were among the first areas of expanded U.S. assistance to Uzbekistan. In the early stages of the 1998 initiative, U.S. officials pressed their Uzbek counterparts to develop enough interagency coordination to identify a single priority. Border control was selected as the crucial issue, and the Export Control and Related Border Security (EXBS) program was born. Initially, the program focused on work with border security and customs personnel to create a functioning border control system, an effort based on work carried out in other countries. The United States provided equipment and training, as well as some programs on how to carry out inspections. Uzbek personnel traveled to Texas border posts to see how their U.S. counterparts performed their jobs. Contacts were coordinated by the State Department Office of the Coordinator for Assistance to Europe and Eurasia and by the Uzbek Ministry of Foreign Affairs. U.S. Customs coordinated with its Uzbek counterparts, and the Commerce Department was also involved. Efforts to work with the Uzbek legislature to improve regulations were stillborn, however, and the export licensing agency that was set up was discontinued.²⁰

Efforts were focused primarily on preventing the spread of WMD, but all involved felt that the equipment and training would also be useful for other transnational threats. Those on the U.S. side worked to ensure that the various U.S. agencies involved could cooperate. They grappled with questions such as whether and how to provide Uzbek border police with bulletproof vests, deemed “lethal assistance” and thus illegal to provide to police forces. Human rights, ethics, and anticorruption components were included in programs run by the State Department’s International Narcotics and Law Enforcement Affairs (INL) and U.S. Customs (which initially was responsible for efforts with Uzbek border and customs officials).²¹

The September 11, 2001, attacks changed the focus of the U.S. effort in Uzbekistan. To provide more assistance to Uzbekistan in response to its help with Operation Enduring Freedom, the focus shifted to more equipment and, according to U.S. officials involved

²⁰ Author interviews with current and former U.S. officials, summer and fall 2005.

²¹ Author interviews with current and former U.S. officials, summer and fall 2005.

in the effort, less training. In February 2002, a U.S. interagency team traveled to Uzbekistan to discuss the future of bilateral cooperation. At that time, more than \$1 million was set aside to create a special investigative unit on narcotics to work with DEA, to improve security over the Friendship Bridge to Afghanistan, and to encourage legal reform. According to those involved in the meetings, the Uzbeks were eager to cooperate.

Coordination of this program with programs in other nations largely ceased during this period. According to those involved at the time, coordination on the U.S. side deteriorated significantly, as did oversight. While the CTR programs maintained their audit requirements and the U.S. Customs Service Inspector General's office ensured that its efforts had oversight, other programs had no such requirements or practices.²²

Those currently involved in implementing programs report that coordination has improved over the past four years. U.S. assistance providers and Uzbek government representatives report that their security cooperation has brought successes in several areas. One is legal reform. Another is the training of Uzbekistan's security forces to investigate bombings. A third is counterproliferation. Some gains are also cited in border security and DEA's work with Uzbek police.²³ Programs are restricted, however, according to U.S. government personnel. Regardless of the recipient, the United States will not provide equipment that could be used to violate human rights or support repression.²⁴ Although not the focus of this report, it is worth noting that the units with which the United States has worked longest in Uzbekistan, the military special operations forces, receive high marks. In fact, they have recently been lauded not only by their own government and representatives of the Pentagon, but also by Russian forces who have recently exercised with them. The areas in which they were most impressive,

²² Author interviews with current and former U.S. officials, summer and fall 2005.

²³ U.S. Department of State, "Uzbekistan" in *U.S. Government Assistance to and Cooperative Activities with Eurasia, Fiscal Year 2004*; author interviews with U.S. and Uzbek officials, Tashkent and Washington, summer and fall 2005.

²⁴ It is not clear whether this applies to intelligence cooperation (author interviews with U.S. officials, October 2005).

according to reports, were those on which reform had focused: decisionmaking, command structures, and the performance of NCOs and junior officers.²⁵ This indicates that assistance can have an impact over time. But it does not suggest that assistance will always be effective. To address this, we examine the assistance efforts in several areas and consider their impact on the capacity of Uzbek partners and on improving accountability and respect for human rights. A list of U.S. internal security training programs, compiled from various sources, is provided in the Appendix to this report.²⁶

Border Control and Nonproliferation

As one U.S. official put it, assistance to Uzbek border forces has been geared to teaching Uzbek personnel how to search vehicles effectively and appropriately, ensuring that they have the equipment to do so, and providing border posts with flashlights and screwdrivers. Uzbek customs personnel have been trained in how to carry out a vehicle search—what to look for and what might be considered suspicious. As noted above, Uzbek trainees have also visited the United States to see how American border police operate.²⁷

A number of programs have been active in supporting customs and border control efforts. The EXBS program remains active, although it is funded only with prior-year funds because of the State Department's inability to certify Uzbek progress. It aims to prevent the spread of WMD and methods of delivery. Trainers and trainees have also focused on other border control issues, such as counternarcotics and prevention of human trafficking. EXBS has provided Uzbekistan with training and equipment to improve its export control system. Although provision of equipment has ended recently, training on narcotics searches continued as of the end of 2005.²⁸

²⁵ Author interviews in Tashkent, October 2005.

²⁶ These data are compiled from various sources and may not be comprehensive. However, they provide a good sense of the sorts of training that have been undertaken with Uzbek internal security personnel.

²⁷ Author interview with U.S. official, October 2005.

²⁸ Author interviews, October 2005.

Human rights and accountability issues are both implicit and explicit in training efforts in this area. Trainees have reported that they are generally not allowed to conduct a physical search, under Uzbek law, and that the Uzbek Customs Code requires that a personal search have a civilian witness. According to U.S. officials, Uzbek trainees note that abuses were allowed under the Soviet system, but they do not want that any longer.²⁹ In the past, EXBS provided equipment to increase effectiveness, including radiation pagers, communications equipment, vehicles, power generators, and computers. The radiation pagers (for detection of radioactive materials) proved useful, as Uzbek border security officials used them to intercept highly enriched uranium being transported to Pakistan. High-frequency radios were also provided, allowing the transfer of data batches. Computers, software, and training have enabled border security to build a database and maintain two powerful servers. As of late 2005, efforts were under way to link Defense Threat Reduction Agency (DTRA) programs to the servers. EXBS has also provided two small patrol boats to Uzbekistan to replace some of its unserviceable boats. In addition, it provided equipment and training to fix the unserviceable boats so that 29 patrol boats were finally operational.³⁰

In addition to EXBS, a program carried out by DTRA in support of Department of Energy efforts has thus far spent \$35 million on the “second line of defense” against proliferation. This program is responsible for placing WMD detection equipment at borders, particularly in the Ferghana Valley, at a total of 19 planned checkpoints. Program implementers also plan to improve detection capacity in “green zones” located between formal border crossing points.³¹

To carry out this work, DTRA contractors have worked with the State Customs Committee and the border guards. They have sought to improve the communications backbone of Uzbek structures, providing Internet and microwave communications, as well as satellite imagery at the Karakalpak site. The goal is to identify assistance that could help

²⁹ Author interviews, October 2005.

³⁰ Author interviews, October 2005.

³¹ Author interviews with U.S. officials, October 2005.

improve counterproliferation capacity but not enhance Uzbek military capabilities. If the equipment detects WMD, the material is sent to the Uzbek Institute of Nuclear Physics for further analysis. Illicit material has already been intercepted in this way. In addition to providing equipment, DTRA has trained Uzbek border and customs personnel on how to operate it and how to respond to various counterproliferation scenarios. Unlike many other programs discussed in this report, the DTRA efforts were continuing apace as of fall 2005.³²

DTRA also carries out a biological-weapons program in Uzbekistan and Georgia, with plans to expand to Kazakhstan and Azerbaijan and perhaps beyond. This program does not involve work with security forces, but rather contributes to shared security goals by working with scientists. A total of \$60 million had been provided as of fall 2005, and those familiar with the program reported that this could grow to \$200 million over time. The funds are used to renovate portions of research laboratories. The program goals include

- Biosecurity and safety, e.g., of existing strains of biological agents still in Uzbekistan as a relic of the Cold War.
- Elimination of weapons infrastructure.
- Threat analysis detection response (TADR) capability.
- Cooperative biological research, which supports work by U.S. and Uzbek scientists and also requires the Uzbeks to provide the United States with duplicates of bioweapons strains (this also supports U.S. defensive efforts).³³

Some of these efforts have been problematic, since Uzbek laboratories have been concerned that sharing the strains would lead to a loss of their monopoly over vaccines. These problems may be further exacerbated by the decline in the Uzbek-American relationship. However, U.S. personnel involved in this program believe that the relevant ministries, particularly those of Health, Agriculture, and Water, see the

³² Author interviews with U.S. officials, October 2005.

³³ Author interviews with U.S. officials, October 2005.

benefits and are trying to move forward.³⁴ Although no DTRA spending for fiscal year 2004 is recorded in the State Department's annual assistance report (prior-year assistance continues to be used), DTRA personnel have reported that additional funding may be forthcoming for their programs. The 2005 State Department annual report on U.S. government assistance discusses continuing plans for this effort.³⁵

The International Counterproliferation Program (ICP) run by the Defense Department is complementary to DTRA efforts. ICP assistance has generally taken the form of courses and exercises geared to help Uzbek security officials, Ministry of Defense, Ministry of Internal Affairs (MVD), border control, customs, and fire rescue personnel combat WMD proliferation—while recognizing that the same skills can be used to counter other threats. In fact, the program has now been explicitly expanded to cover counterterrorism training. ICP training programs have been carried out at all levels, from operational at the border to executive and senior official courses. Most of the training has been carried out in Tashkent, with trainees from other parts of Uzbekistan traveling there for courses. Assuming the program continues, eventual goals, officials say, are to shift the program over to “train-the-trainer” efforts and to carry out multiple iterations of courses, so that more people can be trained.³⁶

ICP programs initially had a strong legal component and were implemented in cooperation with the Commerce Department. Since fall 2001, however, the Commerce Department has not been involved, although some legal issues, such as U.S. legislation, are discussed. Training courses are developed in partnership with the FBI, which also provides the instruction. Coordination, however, has suffered in recent years, according to officials involved in the program.³⁷

³⁴ Author interviews with U.S. officials, October 2005.

³⁵ U.S. Department of State, “Uzbekistan,” in *U.S. Government Assistance to and Cooperative Activities with Eurasia, Fiscal Year 2004*, January 2005; U.S. Department of State, “Uzbekistan,” in *U.S. Government Assistance, to and Cooperative Activities with Eurasia, Fiscal Year 2005*, January 2006; author interviews with U.S. officials, October 2005.

³⁶ Author interview with U.S. official, July 2005.

³⁷ Author interview with U.S. official, July 2005.

Drug Enforcement Cooperation

DEA efforts in Uzbekistan are part of a broader regional strategy called Operation Containment, also discussed elsewhere in this report. Operation Containment is an intensive, multinational, law enforcement initiative that was congressionally mandated in 2002 and is led by DEA. It involves countries in Central Asia, the Caucasus, the Middle East, Europe, and Russia.³⁸ The goal of Operation Containment is to stem the flow of drugs from the region by creating a band of security around Afghanistan through cooperation with the participating countries. DEA officials feel that their cooperation with Uzbekistan, while not directly linked to a narcotics threat to the United States, is geared to eliminating the drug traffic out of Afghanistan. Consequently, they argue that it is part of the broader campaign against terrorism, which has received funds from the narcotics trade.³⁹

One aspect of Operation Containment was the regional intelligence initiative *Zaslon II*, which focused on improving information regarding the northern route for drug smuggling from Afghanistan. This initiative brought together government representatives from several regional countries. Uzbek participation involved the Ministry of Interior, the National Security Service, the State Customs Committee, and the Office of the General Prosecutor. As part of the initiative, DEA arranged for staff to receive training in several areas, including the use of computerized databases in law enforcement, the drug situation in Afghanistan, and basic analytical techniques. *Zaslon II* also provided several mechanisms for effective intelligence collection, including a database on drug seizures and characteristics of drug traffickers, analysis of trafficking routes and concealment methods, and the exchange of intelligence between member states.⁴⁰

³⁸ Nineteen countries are participating in Operation Containment: Afghanistan, Armenia, Azerbaijan, Bulgaria, Germany, Greece, India, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkey, Turkmenistan, Russia, Romania, Ukraine, Uzbekistan, the United States, and the United Kingdom.

³⁹ Author interviews with U.S. officials, October 2005.

⁴⁰ U.S. Drug Enforcement Administration, *Zaslon II Final Report: The Regional Drug Intelligence Initiative Zaslon II*, October 1, 2004–March 31, 2005.

In addition, DEA maintains a small operation in Uzbekistan as part of Operation Containment, consisting of two field agents and one foreign-service national. The agreement for assistance includes provisions for establishing a Special Investigative Unit (SIU) and support for judicial reform. The SIU is a 31-person team of Uzbek Ministry of Interior officers trained by DEA in investigative techniques. DEA has also established SIU units in 11 other countries. Their purpose is to work effectively with DEA agents and to serve as a cadre of trusted personnel to whom U.S. agents can safely pass sensitive information. A secondary purpose is to build organizational capabilities and coordination among the security services inside Uzbekistan and to coordinate with security services of neighboring countries.⁴¹

Uzbek SIU members generally have 10 to 15 years of experience as MVD investigators. The MVD nominates personnel, but candidates are screened by DEA agents. In order to be selected for the unit, applicants must pass a polygraph exam (the primary screening mechanism), as well as a physical training test. After joining the unit, SIU members are polygraphed once a year. Each individual selected for the SIU agrees to a five-year commitment. The trainees are sent to Quantico, Virginia, for eight weeks of training (although they are not given weapons training). On their return, they work closely with U.S. agents at all times. The goal of the training is to help develop interrogation and investigation skills, including the handling of informants, identifying the right questions, defining what information is needed, and basic intelligence-gathering. All of these, according to program staff, contribute to broader accountability and improve human rights practices, although some of the specific training incorporates these elements more explicitly. DEA also provides equipment to improve the effectiveness of the SIU, including vehicles, computers, tape recorders, and video cameras. Wire-tapping technology is not provided. Officials stated that the time frame for attaining any real competence in investigative techniques is generally about five years, but no additional funding has been allocated for the SIU since the original \$1 million in 2002.⁴²

⁴¹ Author interviews with U.S. officials, October 2005.

⁴² Author interviews with U.S. officials, September, October 2005.

According to some U.S. officials in Washington, the SIU is integrated into the MVD structure, using intelligence provided by U.S. agents to put the Uzbek system to work. SIU members notify Uzbek authorities to carry out investigations and report regularly to the MVD. They are able to work with the traffic police, for example, to make searches look like routine stops. Other officials and specialists, however, report a different story, saying that the SIU is largely isolated from the rest of the MVD and does its work on its own. The SIU formally falls under a directorate that is responsible for counterterrorism, counter-organized crime, and counterdrug efforts, all of which are run by an Uzbek MVD colonel. However, there is already a counternarcotics unit within this directorate, and it works independently of the SIU. One explanation offered for this structure was that the SIU members must remain confidential so that they can investigate their colleagues if necessary. Other officials, however, rejected this explanation, believing that the isolation of the unit was a mechanism to keep the U.S.-funded and -tainted unit away from the other MVD structures.⁴³ Based on June 2006 congressional testimony by the DEA administrator, the DEA program in Uzbekistan continues.⁴⁴

Legal Reform

INL has also funded a number of programs geared toward improving Uzbekistan's legal system. It is clear that a more accountable and transparent system, one in which criminal offenses are prosecuted and punished in a manner that helps deter future crime, is critical to Uzbekistan's long-term security. The current system, a holdover from Soviet times (one U.S. official involved in the program described it as a "museum piece" of the Soviet legal system), punishes police investigators harshly for failing to close a case or for arresting the wrong

⁴³ Author interviews with U.S. officials, October 2005.

⁴⁴ Statement of The Honorable Karen P. Tandy, Administrator, Drug Enforcement Administration, before the House Committee on Armed Services, "Security and Stability in Afghanistan," June 28, 2006.

person.⁴⁵ Investigators can even be taken to court for dropping a case.⁴⁶ As a result, the police focus on rapidly rounding up suspects and ensuring that they are prosecuted and found guilty, including by falsifying evidence. The judiciary system, in which conviction rates are remarkably high, further perpetuates this situation.⁴⁷

Programs funded by the U.S. government have sought to change this equation, working with police, judges, prosecutors, and defense attorneys. Some specific efforts include the Justice Department's Overseas Prosecutorial Development, Assistance, and Training office (OPDAT). This office tries to keep a resident legal adviser attached to the U.S. Embassy. The initial focus of the program was on counter-narcotics capacity and general reform, but starting in early 2003, it increased its attention to human rights.⁴⁸

OPDAT has implemented its work through bilateral cooperation with Uzbek structures, including the Office of the Prosecutor General, the Ministry of Justice, key presidential advisers, and the MVD. It also has organized bilateral exchanges, in which Uzbek officials travel to the United States to meet with U.S. judges and human rights groups. An Uzbek judiciary delegation traveled to Puerto Rico, for instance, to see how a U.S. district court functions. OPDAT has introduced Uzbek officials to the civil rights divisions that handle human rights abuse cases in the United States, in an effort to show how the United States responds to its own human rights problems. A U.S. official involved in the program felt that this cooperation may have contributed to the

⁴⁵ Author interview with U.S. official, September 2005.

⁴⁶ Author interviews with U.S. officials, human rights group representatives, October 2005.

⁴⁷ Former UK Ambassador to Uzbekistan Craig Murray, an outspoken critic of the Uzbek regime, states that the rates are 99 percent (Laurence Walker, "Interview with Craig Murray: Ex-British Ambassador to Uzbekistan," *The Journal of Turkish Weekly*, January 24, 2005). A human rights group representative interviewed for this study also agreed with this assessment (interview, October 2005). The Library of Congress Federal Research Division, *Country Profile on Uzbekistan* for October 2004 (published in November 2004) describes the rates as "extremely high." (The report is available at <http://lcweb2.loc.gov/frd/cs/profiles/Uzbekistan.pdf>.)

⁴⁸ Author interview with U.S. official, September 2005.

Uzbek decision to allow international observers at its internal death-in-custody investigation in May 2004.⁴⁹

OPDAT also has had a team consisting of two U.S. federal judges and the deputy division chief of the civil rights division of the Justice Department, who work with the Uzbeks on abuse-in-custody and detention issues. The team held a conference to enable various Central Asian judiciary personnel to discuss with each other and with Russian representatives the issue of judicial reform. It has organized roundtables with the Office of the Prosecutor and has carried out training with prosecutors. OPDAT has, over time, developed a relationship with the Prosecutors Training Academy and various Uzbek legal experts. These programs have been complementary to American Bar Association/Central European and Eurasian Law Initiative (ABA/CEELI) programs to help train defense attorneys, discussed below. OPDAT has also worked with police, seeking to improve the dialogue between prosecutors and investigators. Even representatives of the State Security Service have taken part. The work with the MVD focused on roundtables and some lecture training. For example, in April 2004, a Russian professor and a U.S. trainer presented a three-day course on interrogation techniques to MVD officers, prosecutors, and defense attorneys. Courses were developed individually for each event, and all courses incorporated ethics components.⁵⁰ As of spring 2006, OPDAT programs were continuing, on paper at least, in the aftermath of Andijan, and U.S.-trained prosecutorial trainers are continuing their own work. But some events were canceled in 2005 by Uzbek officials.⁵¹

ABA/CEELI's work with defense attorneys was also funded by the U.S. government. It had been working in Uzbekistan since 1995 when it was shut down by the Uzbekistan government in April 2006, on grounds that the program had violated its charter.⁵² Prior to this, ABA/CEELI programs had successfully engaged Uzbek attorneys.

⁴⁹ Author interviews with U.S. official, September, October 2005.

⁵⁰ Author interview with U.S. official, September 2005.

⁵¹ Author interview with U.S. official, September 2005.

⁵² Gulnoza Saidazimova, "Uzbekistan: New Arrests in the Government's Old Battle Against Dissent," *Radio Free Europe/Radio Liberty*, May 2, 2006.

Uzbekistan, unlike many countries in the region, has a private defense bar, though the Uzbek government has tended to avoid programs that involve defense of accused criminals. ABA/CEELI also ran a human rights clinic.⁵³

Law Enforcement Programs

In addition to OPDAT programs, INL has funded a number of other projects geared toward law enforcement. All of these programs were funded by Freedom Support Act funds and thus are no longer receiving new money in the wake of the State Department's decision not to certify Uzbekistan in 2004.

INL also funds law-enforcement-related programs in Uzbekistan that are implemented by others. It helps support Organization for Security and Cooperation in Europe (OSCE) programs to help stop human trafficking. These programs began in December 2004 and involve participation by the MVD, the SNB, and the Prosecutor's Office. OSCE provides training in investigative techniques and assistance in repatriation and rehabilitation of victims. Uzbek prosecutors and investigators have also traveled to Dubai, Romania, and Macedonia to meet victims.⁵⁴ In Uzbekistan, sex traffickers sell women to buyers in the United Arab Emirates, Israel, Turkey, and Russia. The United Arab Emirates is the largest destination country, and, with cooperation, repatriation can occur in days. Similar coordination is being pursued with Israel. Upon return to Uzbekistan, victims of sex trafficking are placed in a new shelter that has been equipped with computers. A computer trainer comes to the shelter twice a week to provide lessons for the residents. Between December 2004 and August 2005, 92 women came through the shelter.⁵⁵

Labor trafficking comprises a larger proportion of the individuals traded from Uzbekistan. Approximately 75 percent of those trafficked are in this category. These individuals are primarily sent to Kazakhstan

⁵³ Author interview with U.S. official, September 2005.

⁵⁴ There was consideration of also making such trips with judges, but whether these plans will go forward is not clear.

⁵⁵ Author interviews with U.S. officials, October 2005.

and Russia to work in mines or the lumber industry. There are no programs targeted at labor trafficking in Uzbekistan.⁵⁶

INL funds also support a variety of other efforts, including UN narcotics demand-reduction programs and a United Nations Office on Drugs and Crime (UNODC) project on border control at the Termez bridge.⁵⁷ Some programs are large efforts, while others provide direct funding for specific projects. In the latter cases, the international organization provides a proposal, and the U.S. government commits funds through a letter of commitment. U.S. officials have no daily oversight over these programs and no real sanctions (except for the refusal to grant money in the future) if they are unhappy with the way the projects are carried out. Nor, as one official pointed out, does the U.S. get credit for these programs.⁵⁸

The INL programs are only one component of State Department law enforcement assistance to Uzbekistan. The State Department Office of Anti-Terrorism Assistance (ATA), initially set up to help protect traveling state leaders but expanded after the September 11, 2001, attacks, has been providing training and aid as well. These programs were permitted to continue after the country's failure to certify but have been halted in the wake of the Andijan events.

ATA assistance has involved forces from the MVD, as well as SNB, customs, and judiciary personnel, among others. It includes the much lauded work in training Uzbekistan's explosives investigation team for the MVD and in helping develop a better forensics laboratory, which was able to identify the explosives used in the bombing of the U.S. Embassy in July 2004. Programs have varied, but all include a human rights component, according to personnel familiar with them. According to one individual, this is more effective than stand-alone human rights courses, which can be ignored more readily. U.S. personnel reported that MVD forces have been brought to the Quantico

⁵⁶ Author interviews with U.S. officials, October 2005.

⁵⁷ They also purchased several thousand tons of narcotics test kits for use in Uzbekistan, originally as part of the border security program. How these kits were to be used had not been defined at the time of the interviews in September and October 2005.

⁵⁸ Author interviews with U.S. officials, October 2005.

FBI academy for training in the course of these programs. The training focuses on evidence collection, analyzing crime scenes, and the development of a criminal case. These are necessary skills, it was noted, in an environment where many police do not know how to build a case without fabricating evidence. Officials reported that the MVD personnel spent time on the Quantico firing range while they were there (which participants in DEA programs reportedly were not allowed to do).⁵⁹

Prior to 2001, ATA programs had to be vetted by INL to determine if they were appropriate. Since 2001, the U.S. Embassy has had authority to define programs. Similarly, in response to requests to train Uzbek security forces for embassy protection, the U.S. government is considering developing a program to train guards for the U.S. Embassy only (they are normally rotated among foreign embassies). Here, too, it is unclear whether such programs will be able to go forward.⁶⁰

Non-U.S. Programs

It is worth noting that a variety of other organizations and countries also provide aid. The International Committee of the Red Cross (ICRC) carries out some humanitarian law training. The EU funds programs implemented by the United Nations Development Programme (UNDP) related to security and facilitation of trade and transit, focusing on border management and drug action. These include

- Legal assistance to help develop a legal and institutional framework for the improvement of border management.
- Improvement of training facilities for border police, including reconstruction and assessment of the curriculum.
- Training of Uzbekistan's trainers to improve patrolling techniques, horse training, and passport control.
- Visits by high-ranking Uzbek officials to the EU.
- Assistance, including equipment, to improve airport entry/exit control.

⁵⁹ Author interviews with U.S. officials, September, October 2005.

⁶⁰ Author interview with U.S. official, October 2005.

- Training and equipment to improve border crossing points, including equipment for document checks and X-rays.
- Training and equipment, including vehicles, horses, tents, radios, and lights, to help mobile units patrol green borders (areas between official border crossing points); this assistance is currently provided only in pilot areas.
- Improving dog training in pilot areas, including provision of breeding dogs.⁶¹

UNODC is also involved in a Central Asia drug action program focused on improving intelligence capabilities, assisting in the construction of a legal framework on drugs, and training. The program also provides training in drug interdiction at airports and equipment to establish forensic laboratories at airports. In addition, UNODC is involved in assisting regional healthcare departments in establishing a database and software to assess the drug situation. It is trying to develop uniform software for the region so that information and data analysis can be shared.

In addition to the programs described above, the OSCE provides assistance in Uzbekistan on a wide range of political-military issues, economic-environmental issues, and human rights issues. In the political-military arena, there are two main projects: (1) an antiterror program, which involves efforts to improve travel document security through the national passport system; and (2) a program to help Uzbek authorities identify sources of terrorist funding and find experts to organize technical workshops on antiterrorism, cooperation on criminal terrorism cases, suicide terrorism, and combating terrorist use of the Internet. OSCE cooperates with the Prosecutor's Office, the MVD, the Ministry of Defense, and the National Security Council, including the Border Control and the Customs Committee.⁶²

OSCE assistance in security cooperation incorporates programs to counter trafficking in small arms and light weapons. In October and November 2004, a one-week training program was conducted by inter-

⁶¹ Author interviews with UNDP program staff, October 2005.

⁶² Author interview with OSCE official, October 2005.

national experts in Bukhara, Nukus, and Tashkent. Training involved field exercises for 20 customs officials and 20 border guards. Trainees were taken to customs and border checkpoints in order to compare the existing situation with international standards to assess Uzbekistan's needs. According to those involved, OSCE training in this realm does not have an explicit human rights component. Other OSCE programs, however, including work with the MVD's Directorate of Prisons, are explicitly focused on human rights.⁶³

Vetting

Selection of individuals for training has been an important issue for assistance to Uzbekistan. The Leahy Law applies to some but not all Uzbek programs, but all of the programs implemented by the United States utilize some mechanism for vetting trainees. Specifically, the Leahy Law does not apply to ATA assistance, DEA programs, or work with prosecutors or judges. It does, however, apply to the OPDAT program, border control programs, and INL programs (as well as all military programs).⁶⁴

While there is general awareness of the Leahy Law among those individuals developing and implementing assistance programs in Uzbekistan, there is remarkable inconsistency in understanding when it does and does not apply and exactly what it entails. For instance, one Washington-based U.S. government official was confident that the vetting of proposed personnel for the program he oversees was carried out at the embassy. Conversely, a member of the embassy staff reported that their procedure was to run things by the Human Rights Officer at the embassy and then, if nothing was found, to send the names on to Washington because, he said, there is access there to a database that posts cannot access.⁶⁵

In fact, the Abuse Case Evaluation System (ACES) database developed by the U.S. State Department Bureau of Democracy, Human

⁶³ Author interview with OSCE official, October 2005; U.S. Department of State, "Uzbekistan," *Country Reports on Human Rights Practices—2004*.

⁶⁴ Author interviews with U.S. officials, summer, fall 2005.

⁶⁵ Author interviews with U.S. officials, September, October 2005.

Rights, and Labor (DRL) seeks to incorporate in a searchable format all information received regarding credible reports of abuses. It includes detailed information, such as names, units, and data on abuses. Notes are made regarding how credible each report is, and information is updated if the situation changes. Non-governmental organizations (NGOs) can provide information as well. Anyone with access to the government's classified network at the Secret level, which includes cleared embassy staff, is in principle able to log on to it—and in many cases, to provide updates. The database remains incomplete, and its developers encourage both embassies and U.S. government organizations to also use other mechanisms, but it is in place and utilized.⁶⁶

The system is probably not as structured as it could be. But for most assistance implemented by the United States that is subject to the Leahy Law (or believed to be), individuals are checked against available information at the embassy, through the Human Rights Officer, and by DRL, generally through the database. In some cases, U.S. officials will carry out additional searches on the Internet and through news reports to double-check or supplement information. Both the database searches and other forms of vetting have been used to eliminate candidates and, in some cases, to affirm that suspect candidates are eligible (for example, individuals with the same names as persons who appear in the database as ineligible).⁶⁷

The EXBS program is subject to the Leahy Law and has followed it in regard to candidates sent to the United States for training. Uzbek officials designate the personnel in question, and the procedure is followed as with other structures. Implementing personnel report that in the past, they submitted requests for personal information on unit commanders, their deputies, and staff, but they received no responses to such requests from the Uzbek government. Implementing personnel also report that they have not been required to vet individuals involved in on-site border and customs training. However, they note that there

⁶⁶ Author interviews with U.S. officials, fall 2005.

⁶⁷ Author interviews with U.S. officials, October 2005.

are few border units that have been operating for 10 years that have not had a complaint about human rights or a similar problem.⁶⁸

In cases of assistance not subject to the Leahy Law, a variety of vetting procedures take place. DEA carries out its own vetting, including the polygraph testing for SIU members. The FBI reportedly checks names against available information, although it is not clear to what extent it checks them against unit affiliation or the State Department database. ATA staff report that they have gone through the Leahy vetting process. Prospective trainees are asked to sign a document pledging that they have not violated any laws or been involved in other illicit activity such as narcotics trafficking. Their names, dates of birth, ranks, and units are collected by the embassy through passport checks and formal official requests, and the vetting process begins.⁶⁹

Programs funded by the United States and implemented by international organizations, such as OSCE, UNDP, or UNODC, do not require Leahy Law vetting, although in principle some of them should be subject to it. Neither OSCE nor UNDP investigates the backgrounds of units or individuals receiving training, including border control training. Often, these organizations do not know the names of trainees who are selected by the Uzbek government.

U.S. officials and other implementers of U.S. assistance have a number of concerns about the vetting system as currently structured. They say that the waiting period to receive a response from the State Department can be onerous—and, as a result, can lead candidates to drop out, with insufficient time to replace them. This might be ameliorated by having more staff in the DRL office dedicated to these tasks, perhaps including an individual with responsibility for the Central Asia region. The vetting effort has cleared candidates initially thought to be ineligible, but there are also reports that individuals have been denied training despite being innocent of abuses, because of a shared name or other attribute with an individual or unit barred from receiv-

⁶⁸ Author interviews, October 2005.

⁶⁹ Author interviews with U.S. officials, October 2005.

ing assistance. In addition, efforts to collect information in accordance with the vetting process have often been seen by Uzbek interlocutors as intelligence-gathering, leading agencies to refuse to participate out of concern that the efforts are espionage operations.

The Leahy Law is specific about not allowing training to be provided to personnel linked to units against which credible reports of abuse have been made. But most U.S. personnel search for information regarding specific individuals as well. One official interviewed said that U.S. staff feel it is more important to abide by the spirit of the law than by the letter. And the letter, some note, can be confusing. Those involved in assistance programs and others with experience in U.S. assistance efforts raised concerns about the “collective responsibility” aspects of vetting by unit. One congressional staffer who has been following these issues described the Leahy Law as “well-intentioned and misguided,” “convoluted,” and applying “an axe to complicated situations that should be handled with laser eye surgery detail.” Is an individual’s past affiliation with a problem unit cause for elimination, or is only present affiliation relevant? What defines *unit*? Is the MVD as a whole or the SNB a single unit, or is the interest in specific components? And is a single report of an abuse by a division, for example, sufficient to prevent any of its members from ever receiving training? As the OSCE and UNODC cases indicate, Leahy Law–type requirements are unique to the United States, and they are often resented.⁷⁰

One U.S. official reported that vetting in the aftermath of Andijan was somewhat easier, because the main focus now is on assessing who was involved and who was not. However, the official suspected that not all information would be entered into the database. For example, according to the official, the head of the SIU, Colonel Jeraev, told embassy staff that he was at Andijan, but it was unlikely that cooperation with the SIU would end as a result.⁷¹

⁷⁰ Author interviews with U.S. officials and professional member of the U.S. Congress staff, October 2005.

⁷¹ Author interview with U.S. official, October 2005.

Impact of U.S. Assistance on Security Effectiveness and Human Rights

As long as Uzbek police maintain their near-perfect case-closure record and Uzbek courts their equally high conviction rates, assessments of security and human rights effectiveness will be difficult. There can be little reliable data on crime or other security threats in a system that has such high corruption rates, reliance on extralegal mechanisms, and other forms of abuse of power. Reports on seizures of narcotics and illegal materials provide some information, but absent a broader context, the utility of these reports is somewhat limited. We are left with qualitative impressions with which to assess effectiveness, a problem U.S. government personnel have struggled with throughout the history of assistance to Uzbekistan. This section therefore discusses some of the areas where successes and failures can be identified but does not attempt a quantitative assessment.

Individual programs have defined measures of effectiveness, but several U.S. officials interviewed reported that these often amount to simply reporting that the programs have, in fact, been carried out. Metrics of this sort are incorporated into the Embassy Mission Performance Plan. According to officials, monitoring requirements also tend toward statements such as, “We do not know of any misuse of equipment” and “We have investigated this report.” The ICP has tried to use the WMD executive course to create milestones to track progress, but this is a recent effort.⁷²

U.S. personnel involved in the criminal justice efforts argue that measures of success or failure must take into account the early stages of the work they have undertaken. Thus far, the focus has been on communications and dialogue, providing Uzbek interlocutors the opportunity to consider and understand the need for change. The U.S. officials note the grudging Uzbek recognition of problems and the willingness to discuss reforms as signs of progress. However, they report that an effort is under way to develop a system of better indicators for security and law enforcement aid. For human rights and development indica-

⁷² Author interview with U.S. official, July 2005.

tors, State Department officials have looked to assessments by organizations such as Freedom House and UNDP, as well as press accounts and reports from local activists and NGOs.⁷³

Oversight is also variable. Different programs have different mechanisms. CTR-funded programs, for example, are subject to fairly comprehensive audits. But a shift in authority can change this dynamic. For example, the transfer of authority for EXBS from the U.S. Customs Service to the State Department eliminated Customs' stringent audit procedures, as required by the agency's Inspector General. The State Department, which is now implementing this assistance, will set up its own structures as appropriate given its reliance on contractors (whereas Customs generally used its own agents). But what these are to be is as yet unclear.⁷⁴

There is some indication that the focus of the United States and the international community on increasing transparency, accountability, and respect for human rights has borne some rhetorical fruit. After a decade of programs that incorporate human rights and accountability components, it is clear that Uzbekistan's government now understands that these issues are of importance to its foreign interlocutors. Although there have been prosecutions of Uzbek police for torture (some 42 cases have been brought to trial to date), and these have been well publicized, representatives of human rights groups argue that the trials are closed, making it impossible to know what went on. They also assert that none of these cases have resulted, to their knowledge, in the overturning of verdicts reached on the basis of confessions and testimony linked to torture. An Uzbek official, when questioned on this point, noted that in many cases the torture victims died. But in at least one case, a torture victim was released from prison. According to the State Department Country Report on Human Rights for Uzbekistan,

⁷³ U.S. Department of State, "Uzbekistan," in *U.S. Government Assistance to and Cooperative Activities with Eurasia, Fiscal Year 2004*; U.S. Department of State, "Uzbekistan," *Country Reports on Human Rights Practices—2004*; interviews with U.S. officials, summer, fall 2005.

⁷⁴ Author interview with professional member of the U.S. Congress staff, October 2005.

three death sentences were commuted in 2004 on the basis of reports that the men sentenced had been beaten by police.⁷⁵

Similarly, Uzbekistan allowed foreign observers to examine a death-in-custody investigation in May 2004. The Freedom House team, which included an American forensic specialist and two Uzbek human rights defenders, agreed with Uzbek investigators that the death was not a result of trauma. However, critics pointed out that investigators did not examine the body, thereby calling this conclusion into question.⁷⁶

DEA's SIU is often cited as a success story. However, there are indications that the SIU's record is mixed. On the one hand, cooperative efforts have netted some impressive drug seizures. According to a State Department report on assistance, the SIU's operations have resulted in more than 200 kilograms of heroin being seized and more than 100 arrests. It also notes active sharing of "regional intelligence."⁷⁷ Some U.S. government officials describe the SIU as an integral unit of the MVD, working effectively with other ministry structures, such as local police. However, others familiar with the programs describe the SIU as isolated from the bulk of the MVD due to both its secrecy requirements and bureaucratic will from the top. Moreover, while training in drug programs managed by DEA and border control training have emphasized the importance of cooperative action, some of the officials we interviewed stated that Uzbekistan has not engaged in information-sharing with neighboring countries. Finally, it is worth noting that when individual SIU agents leave the program—even if they do so because they have failed a polygraph test—they are reintegrated

⁷⁵ U.S. Department of State, "Uzbekistan," *Country Reports on Human Rights Practices—2004*; author interviews with representatives of human rights groups, Uzbek government representatives, October 2005.

⁷⁶ Freedom House Policy on Uzbekistan, July 9, 2004, available at <http://www.freedomhouse.org>; "Uzbekistan: Results of Suspicious Death Inquiry Released," Freedom House press release, January 20, 2005, available at <http://www.freedomhouse.org/media/press-rel/012005.htm>; Gulnoza Saidazimova, "Uzbekistan: Rights Activists Reject U.S. Probe into Prison Death," *RFE/RL*, January 18, 2005, available at <http://www.rferl.org/featuresarticle/2005/01/083f903b-5368-4b31-aafb-cb00f880c0db.html>.

⁷⁷ U.S. Department of State, "Uzbekistan," in *U.S. Government Assistance to and Cooperative Activities with Eurasia, Fiscal Year 2004*.

into the MVD ranks. According to U.S. officials, one individual who failed his polygraph because he was accepting payments from criminal groups was forced to leave the SIU and was then simply reassigned by the MVD to another unit.⁷⁸

One measure of effectiveness of training programs is whether trainees remain in their organizations and are promoted regularly. But at times, different U.S. interests may run counter to this goal. For example, the U.S. Embassy has hired several of the graduates of its explosives detection program, so they are no longer working for the MVD but are now employed as security personnel for the embassy itself.⁷⁹

Not all U.S. efforts in Uzbekistan have failed. DTRA's counter-proliferation efforts have been successful in capturing material, and work with the border guards is generally seen in a positive light by most of those involved. Some U.S. officials describe Uzbek border guards and customs officers as well-trained, well-equipped, and capable of searches for WMD and narcotics.⁸⁰ The State Department Assistance Report states that "EXBS equipment provided in prior years is being widely distributed by Uzbek officials and has played a key role in many recent interdictions of illicit materials."⁸¹ However, one U.S. government official who visited an Uzbek border control post was concerned about seeing inoperable equipment and a lack of initiative on the part of Uzbek personnel to repair it. As noted, human rights abuses by border guards are less systemic and are generally linked to corruption, which is different from abuses by MVD police and SNB forces.⁸²

According to personnel with knowledge of the U.S. programs, Uzbek police have increased their use of arrest warrants. Indeed, Karimov has called for a shift in warrant issuing authority from the

⁷⁸ Author interviews with U.S. officials, October 2005.

⁷⁹ Author interviews with U.S. officials, October 2005.

⁸⁰ Author interviews with U.S. officials, September, October 2005.

⁸¹ U.S. Department of State, "Uzbekistan," in *U.S. Government Assistance to and Cooperative Activities with Eurasia, Fiscal Year 2004*.

⁸² "Uzbekistan" in *U.S. Government Assistance to and Cooperative Activities with Eurasia, Fiscal Year 2005*; author interviews with U.S. official, human rights group representatives, others, October 2005.

Office of the Prosecutor to the judiciary. In September 2004, Uzbekistan formally banned the use of evidence collected through torture (though this is insufficient to end torture, and judges generally ignore requests by defense attorneys to reject confessions on the grounds that they were coerced through torture). In addition, legal advisers report that the MVD has promised to distribute their detainee-rights pamphlets to those they detain. The MVD sponsored training for police on enforcing the Uzbek Supreme Court decree that ensures all suspects the right to an attorney. MVD prisons have moved to allow NGOs access to the prisons and involvement in prison-guard training. As a result of U.S. assistance, Uzbek security service personnel have met with human rights defenders in roundtable settings, a significant change from past practices.⁸³

It has generally been easier in Uzbekistan to change the laws than to change the system. However, changing the laws is an important first step. U.S., international, and NGO officials have focused on identifying statutory changes that are needed to ensure Uzbekistan's compliance with the International Covenant on Civil and Political Rights (ICCPR) and the optional protocol to it, which requires Uzbekistan to cooperate with the United Nations Human Rights Commission. Uzbekistan ratified this protocol in 1995. There are also pending draft laws on money-laundering and terrorism-financing that U.S. officials believe are important steps forward.⁸⁴

Progress in reducing corruption is often cited as an effective outcome. One individual argued that the arrest and imprisonment of corrupt police officers increased significantly after initial prosecutions of MVD corruption cases began. The death-penalty ban that Uzbekistan agreed to in 2005, which takes effect in 2008, was also linked to U.S. training and assistance.⁸⁵

⁸³ U.S. Department of State, "Uzbekistan," *Country Reports on Human Rights Practices—2004*; author interviews with U.S. officials, September, October 2005.

⁸⁴ Author interviews with U.S. officials, September, October, 2005.

⁸⁵ Author interviews in Uzbekistan, October 2005.

Efforts to eliminate human trafficking have a mixed record. The sex and labor trade is a small but growing issue for the MVD. Uzbekistan officials recognize the problem of trafficking in women and children, and, due in large part to foreign pressure, moves have been made to get appropriate legislation on the books. Moreover, there has been progress in increasing the number of arrests and prosecutions of sex traffickers. But sentencing has lagged, and those interviewed say that most of the progress stops at Tashkent's city limits. Furthermore, there has been almost no movement on reducing labor trafficking, in part, one official speculated, because it would require an admission on the part of the Uzbek government that the economy is in trouble.⁸⁶ Finally, almost all who are convicted of trafficking offenses are freed within one year, partly because most traffickers, especially sex-trade traffickers, are women, and the government often offers general amnesties to female inmates.⁸⁷

Overall, there are varying views on what works and what does not work in Uzbekistan. Some argue that training improves standards and that the improvement that has occurred is due to exposure to professionalism over the course of the training. Exchange programs have also been lauded. One Uzbek national familiar with these programs stated that U.S. assistance has greatly improved law enforcement in Uzbekistan. Andijan, he said, would have been far worse without a history of U.S. aid.⁸⁸

However, some approaches are viewed as more effective than others. Some contend that lecture courses geared at senior officials are not effective and serve only as opportunities for trips abroad. Moreover, they say, senior people will not pass on what they learn and use it throughout a career. Others argue that U.S. efforts are not taken seriously or are not well understood—and not only by older bureaucrats. They speak of judges with almost perfect conviction records posting their ABA/CEELI certificates on their walls and of the former Tashkent

⁸⁶ The possibility that sex trafficking may also indicate economic problems was apparently not something Uzbek authorities felt to be problematical.

⁸⁷ Author interviews with U.S. officials, October 2005.

⁸⁸ Author interviews with U.S. officials, U.S. and Uzbek specialists, summer, fall 2005.

City Police Counterterrorism Division Chief breaking up a demonstration while wearing a T-shirt advertising the FBI Academy in Quantico. Arrests and prosecutions continue to present tremendous concerns, not only in relation to human rights, but regarding any notion of an appropriate rule of law. In contrast to the Uzbek national's account cited above, many observers felt that the Andijan events clearly indicated that the Uzbek government sees the continuation of the present regime as far more crucial than the lives of its citizens. It also indicates a continued willingness to use force against political opposition, an attitude at odds with all that the United States has sought to instill through its training programs.⁸⁹ There have, in fact, been reports that units that received U.S. training were culpable in the Andijan events.⁹⁰

The most successful programs have been the ones that have lasted the longest (such as the border control and counterproliferation programs) and the ones that impart very specific skills (such as border control, counterproliferation, and explosives investigation). There has also been some success on paper in areas such as human trafficking, through changes in legislation and juridical decrees. Implementation in those areas, however, has lagged.

In assessing what has worked and why, it is worth looking at the timeline of assistance. Programs and efforts that began early, when Uzbekistan eagerly sought U.S. assistance, were generally met with enthusiasm on the part of Uzbek officials. Assistance provided after Operation Enduring Freedom began, however, has been more problematic. Uzbekistan increasingly viewed itself as critical to U.S. needs, with U.S. forces based on its territory. Over time, Karimov and his staff have become less conciliatory in their public statements regarding the need for reform, even as the United States became more frustrated with the lack of progress. This suggests that Uzbek perception of U.S. leverage has also been a factor in Uzbekistan's willingness to accept U.S. conditions.

⁸⁹ Author interviews with U.S. officials, representatives of human rights organizations, U.S. and Uzbek specialists, October 2005.

⁹⁰ C. J. Chivers and Thom Shanker, "Uzbek Ministries in Crackdown Received U.S. Aid," *The New York Times*, June 18, 2005.

U.S. officials generally report that the Uzbeks they interact with at all levels, even in the post-Andijan period, seem eager and willing to work with Americans. However, they also describe a continuing lack of initiative on the part of those below the highest levels, a product of decades of Soviet rule. Many feel that seeds have been planted that could support the development of greater transparency and accountability in the future, but the political context in Uzbekistan today is such that it is difficult to make progress.⁹¹

Conclusion

The U.S. experience with internal security assistance in Uzbekistan is clearly disappointing in many areas. Successes are few and far between. As the Andijan case indicates, while the government may pay lip service to reform, its acceptance and institutionalization of it is a long way off. However, at the level of individual trainees and working-level government officials, there has been clear and consistent interest in reform, even if the leadership has rejected these efforts. It has been possible to influence the Uzbek government to pass the right laws, but it has been difficult to ensure their implementation. Where reform has been longer lasting—such as in counterproliferation and border control—assistance has been more effective. Specific and practical skills, such as post-blast forensics, have also been effectively transferred. The overall effort, however, has been disappointing.

U.S. assistance programs are a mixed bag as well. Oversight varies, and while all the programs seem to incorporate some elements of human rights and accountability, these are not the top priority in most of them. Although it was guided by both tactical interests and a broad desire for democratic reform, the U.S. government did not fully integrate these in its assistance efforts in Uzbekistan. A telling point is that one official interviewed for this study reported that after Andijan, the U.S. government started carefully examining all programs to ensure that no lethal assistance was provided, suggesting that this was

⁹¹ Author interviews with U.S. officials, summer, fall 2005.

not a focus of attention prior to May 2005.⁹² At the program level, there is no evidence of plans to cut efforts if certain goals are not met. In the legal sphere, a focus on legislation has led to insufficient attention to the implementation of both new laws and old ones.

One argument is that if programs do not work, they should be stopped. But another possibility is that at least some could, and should, be improved. Of course, the United States may not have the option of deciding what to do—Uzbekistan may cancel all programs as the relationship between the two countries continues to deteriorate. However, if the option of continued engagements exists, assistance should continue where there is potential to lay the groundwork for change without doing harm.

The United States should end, reduce, or significantly restructure assistance in areas where it has borne little fruit or where it is likely to support greater repression. Counterterrorism assistance to Uzbek police is one example. The United States should not be in the position of assisting the units and structures responsible for harassing, and potentially torturing, dissidents. If the Uzbek government continues to seek U.S. assistance in this area, that assistance should be provided only if Uzbek security forces can effectively be enticed to disassociate their counteropposition efforts from their counterterrorism efforts. Absent that, such assistance poses more dangers than benefits.

DEA programs for Uzbekistan should be reformulated to incorporate incentives to ensure that the work supported can have a positive impact on broader law enforcement structures. Although the SIU itself may operate in keeping with Western norms, its isolation from the rest of the MVD greatly limits its access to information and its capacity to be effective. Moreover, the integration of those who are eliminated from the SIU back into the MVD raises significant concerns about the MVD's seriousness regarding both cooperation with the United States and the effort to eliminate corruption within its ranks.

Assistance in the criminal justice sector is crucial beyond that sector. Improved skills and training for Uzbek police, border, and other internal security services could help Uzbekistan respond to real threats.

⁹² Author interview with U.S. official, September 2005.

But crime and transborder trade in illegal substances cannot be fought until and unless all these organizations, and the government as a whole, become more transparent and accountable and the justice sector can effectively prosecute government involvement as well as crime itself.

If criminal justice assistance continues, it should take lessons from its successes to date and emphasize the need to move beyond legislation to implementation. There are real possibilities in this regard for focusing on specific skill sets—an approach that has been effective in other areas. These skill sets should increase the effectiveness, transparency, and accountability of Uzbek police personnel. For example, the United States has sought to train Uzbek police in investigative techniques. Some recommend that the focus should now be on forensics to enable more-effective investigations of crime, including deaths in custody (to search for signs of torture, for example, rather than just an immediate cause of death). Transferring these skills to individual MVD personnel could increase the likelihood that they will use them, thereby preventing arrest and conviction of the innocent and deterring police brutality. However, it could also increase capacity to foil such investigations, so assistance must be carefully structured and combined with efforts to increase oversight. Furthermore, Uzbek police officials have long sought better fingerprinting and DNA technology, as well as databases to enable better information-sharing throughout the country. Plans to assist with such programs now exist, but they were a long time in development. If at all possible, they should be pushed forward, but here, too, in ways that build in oversight. One example would be a program to track flows of information and how it is used to prevent abuse.⁹³

Border security assistance has been comparatively effective, but it could be improved as well. The equipment provided can also help build accountability and transparency. One specialist interviewed for this report suggested that police, border control personnel, and customs officials should be trained and required to register phone calls—thereby supporting future investigations of their own activities. Cameras, if utilized properly, can also detect potential abuses at border posts. Customs and border personnel continue to be paid little, increasing the

⁹³ Author interviews, October 2005.

likelihood that they will engage in corruption to earn extra money. Cameras and telephone surveillance can help in identifying such activities, but the long-term remedy should also include a more transparent, fair, and accountable pay system. If the Uzbek government is interested in continued assistance, the assistance should be made conditional on such improvements.

There are also areas in which assistance efforts are directly critical to U.S. security, and there is no significant potential for adverse effects on human rights. These are few in number, however. Counterproliferation assistance meets this standard, but even forensic training (including training in explosives) raises concerns that it could enable Uzbek personnel to more effectively fabricate evidence in criminal and counterterrorism proceedings. In other areas, including counterterror cooperation, corruption and abuse of power call into question the extent to which Uzbek information and help can be trusted. Moreover, even if such information and help is necessary and sufficiently verifiable, U.S. aid to the specific institutions involved is not necessarily required to obtain it. If the Uzbeks are inclined to cooperate, they will do so out of their own interests. And if the United States wishes to offer rewards, it can offer them in other forms, such as economic assistance, where they are less likely to backfire. Finally, for all assistance that moves forward—such as police, border control, counterterror, or counterdrug efforts—a greater focus on transparency, accountability, and human rights can only help improve Uzbek effectiveness. Aid should be conditional on progress in these areas. Failure to prioritize these issues will only exacerbate the problems, as recent Uzbek experience has already shown.

If cooperation with Uzbekistan continues, it will remain problematic. Success will always be difficult to measure, and conditionality will be challenging to apply. The key criterion must be to avoid doing harm, and the goal must be to identify areas where improved effectiveness, accountability, and human rights practices are a possibility at the institutional or individual level. The current Uzbek regime was once supportive of reform, at least verbally. This enabled a number of efforts to begin and potentially to plant some important seeds. When this government passes, new opportunities may arise which could provide

greater potential for change. In the meantime, however, the United States should seek to nourish what it has sown, to the extent that it is able, and to improve its capacity to foster a more transparent and accountable Uzbek internal security sector. It should also cut off programs that have little positive impact and the potential to backfire significantly. There is no guarantee that Uzbekistan's next government will reverse the more recent policies of this one. And even if the next government is more interested in close relations with the United States, it may also see democracy as a danger rather than a solution. Nevertheless, to the extent that a new government seeks U.S. aid and assistance, the United States will have some leverage to help foster change.

Afghanistan

In 2001, the United States orchestrated the overthrow of the Taliban regime in Afghanistan, using a combination of CIA and Special Operations units, air power, and support from indigenous allies.¹ While fighting continued over the next several years in the east and south of the country, reconstruction efforts began in December 2001, when Afghan leaders signed the Bonn Agreement. The Bonn Agreement established a timetable for achieving peace and security, reestablishing key government institutions, and rebuilding Afghanistan. Security-sector reform in Afghanistan was based on a “lead nation” approach. The United States was the lead donor nation for reconstructing the Afghan National Army; Germany, for the police; the United Kingdom, for counternarcotics; Italy, for justice; and Japan (with UN assistance), for the disarmament, demobilization, and reintegration of former combatants. In theory, each lead nation was supposed to contribute significant financial assistance, coordinate external assistance, and oversee reconstruction efforts in its sector. In practice, this approach did not work as well as envisioned.

This chapter focuses on U.S. efforts to rebuild internal security in Afghanistan. It asks two key questions: What assistance did the United States provide to the Afghan government’s internal security agencies? Did this assistance help increase the ability of these agencies to effec-

¹ On the overthrow of the Taliban regime, see Gary Schroen, *First In: An Insider’s Account of How the CIA Spearheaded the War on Terror in Afghanistan*, New York: Ballantine Books, 2005; Stephen Biddle, *Afghanistan and the Future of Warfare: Implications for Army and Defense Policy*, Carlisle, PA: Strategic Studies Institute, U.S. Army War College, November 2002; Bob Woodward, *Bush at War*, New York: Simon and Schuster, 2002.

tively deal with security threats, improve accountability, and enhance human rights practices? The evidence shows that U.S. assistance has somewhat improved the accountability and human rights practices of Afghan internal security forces. Insurgent groups and warlord militias have committed the vast majority of human rights abuses. However, there is little evidence that U.S. assistance has improved the effectiveness of Afghan internal security forces, especially in light of rising insurgent violence and a burgeoning drug trade.

Modest improvements in the human rights practices of Afghan forces was possible because the United States and other countries had some influence in building key security ministries and were able to gain leadership buy-in and encourage some institutional reform. In general, disbanding repressive security forces and rebuilding from scratch can be a way to improve accountability and human rights. But these opportunities are likely to arise only in post-conflict or other transitional environments.

This chapter is divided into five sections. The first section discusses security threats since the overthrow of the Taliban regime. The second describes U.S. assistance in rebuilding the police and other internal security forces. The third examines the effectiveness of Afghan internal security agencies in dealing with key security threats. The fourth assesses U.S. success in helping to improve the accountability and human rights practices of Afghanistan's internal security agencies. The fifth presents key conclusions.

Security Threats

Following the overthrow of the Taliban, the Afghan government faced a number of serious security threats. The most significant were Taliban, Hezb-i-Islami, and foreign insurgents; warlords and regional commanders; and organized criminal groups, including those involved in the drug trade. These threats existed because the Afghan central

government did not have a monopoly on the legitimate use of force within the country.²

Insurgent Groups

The Taliban and Hezb-i-Islami are the primary insurgent groups in Afghanistan. The Taliban seek to impose a radical interpretation of Sunni Islam, which is derived from Deobandism.³ While some Taliban agreed to disarm through the Afghan government's reconciliation program, most did not.⁴ Hezb-i-Islami seeks to overthrow the Afghan government and install Gulbuddin Hekmatyar as leader. The group has received some assistance from Iran and Pakistan.⁵ Hekmatyar served as Afghan prime minister from March 1993 to 1994 and again briefly in 1996. The Taliban and Hezb-i-Islami have an organizational structure that is loosely hierarchical, with the bulk of the insurgency divided into four layers: a civilian support network, the underground, guerrillas, and front commanders.⁶

The *civilian support network*, or auxiliary, organizes civilians and provides logistical support.⁷ The success or failure of the guerrilla force depends to a great extent on the civilian network's ability to gain sup-

² Max Weber, "Politics as a Vocation," in H. H. Gerth and C. Wright Mills (eds.), *From Max Weber: Essays in Sociology*, New York: Oxford University Press, 1958.

³ Olivier Roy, *Islam and Resistance in Afghanistan*, 2nd ed., New York: Cambridge University Press, 1990; Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia*, New Haven, CT: Yale University Press, 2000; William Maley (ed.), *Fundamentalism Reborn? Afghanistan and the Taliban*, New York: New York University Press, 2001.

⁴ Halima Kazem, "Amnesty Offers Taliban Chance to Come Home," *Los Angeles Times*, June 3, 2005, p. A8; Declan Walsh, "Taliban Officials Brought in from the Cold," *Guardian* (London), May 19, 2005, p. 19; Victoria Burnett, "Taliban Leader Included in Amnesty," *Financial Times* (London), May 10, 2005, p. 9; Carlotta Gall, "Top Suspects in Afghanistan Are Included in Amnesty," *New York Times*, May 10, 2005, p. 7.

⁵ Author interview with Afghan officials, September 2005 and August 2006.

⁶ Col. Walter M. Herd et al., *One Valley at a Time*, Fort Bragg, NC: Combined Joint Special Operations Task Force—Afghanistan, 2005, pp. 67–76.

⁷ Key Afghan cities for the support network include those along the ring road, such as Kabul, Jalalabad, Ghazni, Gardez, Qalat, Kandahar, and Herat. In addition, the main auxiliary lines include the old trade routes and way stations that connect Afghanistan cities to Iran. Examples include the old Silk Road to Tehran, the Pepper Route through Peshawar and on to India, the route through the Khyber Pass to Peshawar, and the route from Spin Boldak to Quetta.

port from the indigenous population. These local supporters assist the guerrillas by acquiring supplies, conducting information and intelligence campaigns, operating medical facilities, conducting counter-intelligence operations, recruiting new guerrillas or supporters, operating a compartmentalized communications system, and acquiring and maintaining equipment. The *underground* includes the political and financial support network of the insurgency and is the main element focused on subverting the Afghan government. It consists mainly of Taliban supporters, some of whom are involved in the drug trade. The *guerrillas* are the armed insurgents who conduct military and subversive operations.⁸ Finally, the *front commanders* provide strategic command. Although the organizational structure of the Taliban and Hezb-i-Islami is loosely hierarchical, front commanders do not exert power the way a military general does. Rather, tactical and operational control is often delegated down to guerrilla units, which act as “franchises.” As a consequence, units tend to have significant autonomy at this level. Key front commanders include Gulbuddin Hekmatyar for Hezb-i-Islami and Jalaluddin Haqqani for the Taliban.⁹

The foreign jihadists comprise an amalgam of loosely knit Muslim extremists, many of whom are affiliated with al Qaeda. Perhaps the most prominent is Abdul Hadi al-Iraqi. He was born in Iraqi Kurdistan in about 1960 and rose to the rank of major in Saddam Hussein’s army before joining the jihad in Afghanistan in the late 1980s. Most of the foreign jihadists are from neighboring Pakistan, Uzbekistan, and Tajikistan, though some come from such areas as Sudan, Egypt, Saudi Arabia, Iraq, Yemen, Somalia, and Chechnya. The foreign jihadists in Afghanistan often act as franchises. They tend to have auton-

⁸ Barno, *Afghanistan: The Security Outlook*; David W. Barno, *Combined Forces Command—Afghanistan*, Washington, DC: Center for Strategic and International Studies, briefing, 2005; Joshua Kucera, “Counter-Insurgency in Afghanistan: Paving the Way for Peace,” *Jane’s Defence Weekly*, December 9, 2004.

⁹ *One Valley at a Time*, pp. 67–76. When the Taliban fell from power, Haqqani told local reporters, “We will retreat to the mountains and begin a long guerrilla war to reclaim our pure land from infidels and free our country like we did against the Soviets . . . we are eagerly awaiting the American troops to land on our soil, where we will deal with them in our own way” (Scott MacDonald, “Minister’s Visit Hints at Taliban Split,” Reuters, October 20, 2001).

omy at the tactical and operational level but may take guidance from more-senior al Qaeda commanders at the strategic level. They are not hierarchically organized; they operate in small, dispersed units that are bound together by ideology rather than organizational structure. They are sometimes adherents of Salafism, adopting a strict interpretation of Islam and embracing jihad against the United States and other allied governments.¹⁰ Consequently, their strategic objectives are much broader than those of the Hezb-i-Islami and Taliban forces. Furthermore, while most Taliban and Hezb-i-Islami insurgents are part-time fighters and have civilian jobs by day, the foreign jihadists are professional fighters. They are generally much better equipped, trained, and motivated than other insurgent forces, although they have not always been tactically competent.¹¹ Foreign jihadists play a key role as trainers, shock troops, and surrogate leaders. Indeed, there is some coordination between the foreign jihadists and the other insurgents.¹² As Figure 5.1 shows, insurgent forces have conducted a wide variety of attacks against Afghan government buildings and officials, civilians, NGOs, and schools and religious organizations.

Warlords and Regional Commanders

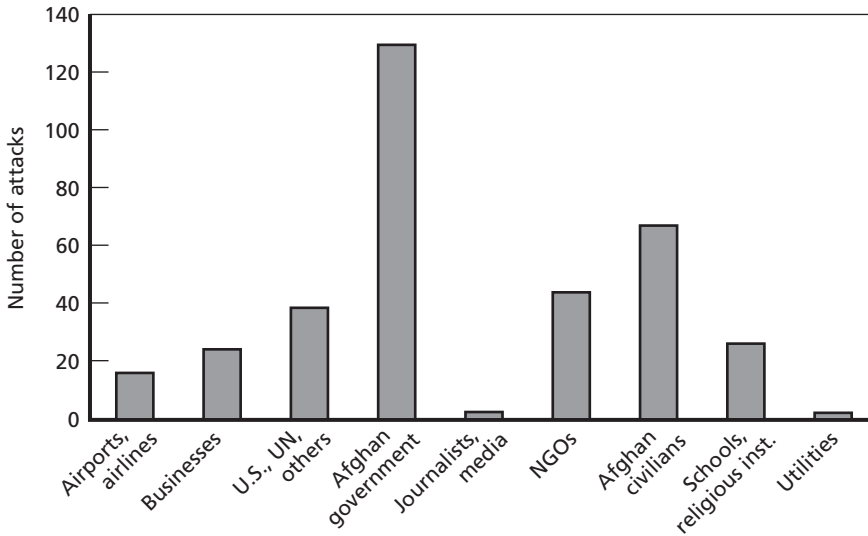
Warlords and regional commanders constitute a major threat to the state. After the departure of British troops following the second Anglo-Afghan war in 1880, Amir Abdul Rahman Khan seized power. With British financial and military assistance, he ruthlessly attempted to defeat or manipulate tribal and ethnic groups, including the Hazaras, Aimaqs, Nuristanis, and various Pashtun tribal coalitions. However, Khan was unable to destroy tribal power and establish a strong cen-

¹⁰ On silafi jihadists, see Gilles Kepel, *Jihad: The Trail of Political Islam*, Cambridge, MA: Harvard University Press, 2002, pp. 219–222; Guilain Denoëux, “The Forgotten Swamp: Navigating Political Islam,” *Middle East Policy*, Vol. 9, No. 2, June 2002, pp. 69–71.

¹¹ For example, there have been a handful of cases in which foreign jihadists have charged A Camps in the open with virtually no attention to tactics.

¹² Kucera, “Counter-Insurgency in Afghanistan”; Davis, “Afghan Security Deteriorates as Taliban Regroup.”

Figure 5.1
Insurgent Targets in Afghanistan, 2002–2006



SOURCES: RAND-MIPT Terrorism Incident Database; Afghanistan Non-Governmental Organization Security Office, *ANSO Security Situation Summary*, Kabul, various reports.

RAND MG550-5.1

trally controlled state.¹³ Successive efforts over the next century also failed. Instead, Afghan territory has been controlled by tribes and local strongmen, and its inhabitants have generally pledged loyalty to those with similar kinship ties and patrilineal descent, rather than to the state.¹⁴

Warlords and regional commanders remain strong throughout the country.¹⁵ The Afghan government has made minimal prog-

¹³ Barnett R. Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System*, 2nd ed., New Haven, CT, and London: Yale University Press, 2002, pp. 48–52.

¹⁴ Richard Tapper, “Anthropologists, Historians, and Tribespeople on Tribe and State Formation in the Middle East,” in Philip S. Khoury and Joseph Kostiner (eds.), *Tribes and State Formation in the Middle East*, Berkeley, CA: University of California Press, 1990.

¹⁵ On the problem of warlord militias, see Government of Afghanistan, *Security Sector Reform: Disbandment of Illegal Armed Groups Programme (DIAG) and Disarmament, Demobilisation, and Reintegration Programme (DDR)*, Kabul, October 2005.

ress in curbing the power of warlords such as Herat Governor Ismail Khan, who was moved to Kabul and appointed Minister of Energy and Water.¹⁶ Pashtun warlord Pasha Khan Zadran has a force of several hundred militia and controls much of the Khowst province. The northern part of the country has become a scene of rivalry between two major United Front factions, Jama't-e Islami and Jumbesh-e Melli Islami. Their leading figures, Abdul Rashid Dostum and Atta Mohammad, have been affiliated with the Karzai government. Other major warlords include Gul Agha Shirzai and Shia leader Karim Khalili, whose Hizb-e Wahdat-e Islami dominates Bamiyan province. In Herat province, there are a number of less-powerful commanders, including Amanullah Khan, Abdul Salam, and Zaher Naibzada.¹⁷ U.S. and coalition forces have supplied assistance to some warlords and military commanders in the south and east as part of Operation Enduring Freedom. This support has been a double-edged sword: While some cooperation may have been useful in the early stages of Operation Enduring Freedom to combat insurgents, it also weakens the central government by preserving the power of warlords.

Drug Trade and Organized Crime

Finally, organized crime, including groups involved in the drug trade, constitutes a major threat to the state. Since at least 1980, criminal organizations, the Taliban, and warlords have used drug money to help fund their military campaigns and earn a profit. In 1997, the UN and the United States estimated that 96 percent of Afghan heroin came from areas under the Taliban control. The Taliban expanded the area available for opium poppy production and also increased trade and

¹⁶ S. Frederick Starr, *U.S. Afghanistan Policy: It's Working*, Silk Road Paper, Central Asia-Caucasus Institute, The Johns Hopkins University and Uppsala University, Washington, DC, and Uppsala, Sweden, October 2004, pp. 4–5.

¹⁷ International Crisis Group, *Afghanistan: Getting Disarmament Back on Track*, Kabul, 2005; Michael Bhatia, Kevin Lanigan, and Philip Wilkinson, *Minimal Investments, Minimal Results: The Failure of Security Policy in Afghanistan*, Kabul: Afghanistan Research and Evaluation Unit, June 2004; Mark Sedra, *Challenging the Warlord Culture: Security Sector Reform in Post-Taliban Afghanistan*, Bonn, Germany: Bonn International Center for Conversion, 2002.

transport routes through neighboring countries such as Pakistan.¹⁸ In July 2000, Mullah Omar banned the cultivation—though not the trafficking—of opium poppy. The Taliban effectively enforced the ban, causing a temporary decrease in cultivation and production in 2001, but much of the damage had already been done. Afghanistan became the world's largest producer of opium poppy during the Taliban rule and the source of 70 percent of the world's poppy supply. The income from opium poppy helped sustain the Taliban, al-Qaeda, and the Islamic Movement of Uzbekistan, as well as some components of the Northern Alliance. Today, the drug trade is a source of revenue for criminal organizations, warlords, and insurgents operating in Afghanistan's border regions, as well as members of the Afghan government.¹⁹ In addition to the drug traffickers, a number of other criminal organizations exist. One of the most active is the Timur gang, named after Timur Shah, who is currently serving a prison sentence for his role in kidnapping CARE International worker Clementina Cantoni in 2005. The Timur gang is largely involved in kidnapping and extortion and poses a serious threat to international aid workers in Afghanistan.²⁰

U.S. Assistance

Under the “lead nation” approach, each lead nation was supposed to contribute significant financial assistance, coordinate external assistance, and oversee reconstruction efforts in its policy sector. But in practice, the United States provided the bulk of assistance in most sectors. In 2006, for example, it provided seven times the resources to counternarcotics activities provided by the United Kingdom (the lead nation for counternarcotics), nearly 50 times the resources to the police provided by Germany (the lead nation for police reform), and virtu-

¹⁸ Rashid, *Taliban*, pp. 119–120.

¹⁹ Barnett R. Rubin and Andrea Armstrong, “Regional Issues in the Reconstruction of Afghanistan,” *World Policy Journal*, Vol. 20, No. 1, Spring 2003, p. 34.

²⁰ Author interview with UN and U.S. officials, November and December 2005; Carlotta Gall, “Afghans Deny Making Deal for Release of Italian,” *New York Times*, June 12, 2005, p. 16.

ally everything for training the Afghan military (for which the United States was responsible).²¹ This section focuses on internal security assistance in three areas: police, counterterrorism, and counternarcotics.

Police

Beginning in 2005, the U.S. military played the lead role in providing training, equipment, and other assistance to Afghan police forces and the Ministry of Interior through the Combined Security Transition Command–Afghanistan.

The United States had some power to shape the training of Afghan police, since it enjoyed buy-in from the highest levels of the Ministry of Interior and the Afghan government. Most police training and mentoring came from either private contractors or the U.S. military, since the State Department had no police capacity of its own. Police training was critical because Afghan police had had no formal training for at least two decades.²² Germany focused on training inspectors and lieutenants at the police academy in Kabul through a three-year training course that included classes on human rights, tactical operations, narcotics investigations, traffic, criminal investigations, computer skills, and Islamic law.²³ By 2003, however, U.S. officials at the State Department, Defense Department, and the White House became increasingly unhappy with the German approach. Many argued that it was far too slow, trained too few police officers, and was seriously underfunded. As one high-level U.S. official noted, “When it became clear that they were not going to provide training to lower-level police officers, and were moving too slowly with too few resources, we decided to intervene to save the program from failing.”²⁴

²¹ Author interview with U.S., German, and British officials, November 2005.

²² “Assistance in Rebuilding the Police Force in Afghanistan,” *Afghanistan: Preliminary Needs Assessment for Recovery and Reconstruction*, Kabul: United Nations Development Program, Asian Development Bank, and World Bank, January 2002, pp. 6–7.

²³ Author interview with Jochen Rieser, Training Branch, German Project for Support of the Police in Afghanistan, Kabul, June 27, 2004.

²⁴ Author interview with senior U.S. official, White House, September 2004. This view was corroborated by multiple interviews with U.S. officials in Washington and Afghanistan in 2004 and 2005.

The United States concentrated on training constable-level recruits at the training center in Kabul, as well as at regional training centers in such cities as Kandahar, Mazar-e Sharif, Gardez, and Jalalabad. INL contracted DynCorp to oversee and train the police, as well as to help build training facilities.²⁵ The training covered a variety of areas, including human rights and weapons training. In addition, INL deployed mobile mentoring teams into Afghan provinces to provide on-the-job mentoring and guidance for Afghan police and police trainers. INL contracted most of this work out to DynCorp. It supplied police graduates from the training academies with a standard uniform and a belt, as well as basic police equipment such as handcuffs. DynCorp also installed Codan high-frequency radio systems in all provincial police headquarters to facilitate communication between the Ministry of Interior and its provincial offices.

One of the most significant challenges of training was the vetting process. State Department and Defense Department officials acknowledged that it was extremely difficult to vet Afghan police officers or units. There was little systematic information on the background of individuals or units, and documents were frequently destroyed by the Afghan Ministry of Interior—or they never existed to begin with. In addition, U.S. intelligence services did not systematically collect information on Afghan police. Consequently, as one official concluded, “We generally don’t know who we are training. We have little reliable information.”²⁶ This was a serious problem, since there is some evidence of police corruption and, as will be discussed later, some evidence of past human rights abuses among Afghan police units.²⁷ The Combined Security Transition Command–Afghanistan largely focused on vetting top-level Ministry of Interior officials, although the Afghan government did not always cooperate in removing individuals involved in

²⁵ Author interview with members of DynCorp, Kabul and Gardez, June 2004; interview with members of DynCorp, Kabul, November 2005.

²⁶ Author interview with U.S. State Department officials, September 2005.

²⁷ Author interview with UN and NGO officials, November and December 2005; interview with U.S. State Department officials, September 2005.

corruption or human rights abuses. There was also comparatively little focus on mid- and lower-level police.²⁸

The Combined Security Transition Command–Afghanistan conducted some reform of the Ministry of Interior. This was possible because the collapse of the Taliban regime left no viable ministry in place. It also permitted some reform of internal security forces by helping change the *culture* of the Afghan Ministry of Interior, not just its capacity. The Combined Security Transition Command–Afghanistan embedded advisers in the ministry to help establish a driver’s license and traffic system, rationalize the ministry’s chain of command, and provide management training to senior staff.²⁹ These advisers also included private contractors, most of them from DynCorp.³⁰ The UNDP and a number of EU countries also helped the Ministry of Interior harmonize salary payment procedures, assess the existing payroll system, and review expenditure-reporting procedures. In addition, since most police facilities were in extremely poor condition following the overthrow of the Taliban regime, the United States and Germany provided assistance to build infrastructure, including the officer police training academy in Kabul, a number of regional training centers across the country, the Kabul police headquarters, police stations, and a criminal investigations facility in Kabul.

Counterterrorism

The U.S. Department of State Office of the Coordinator for Counterterrorism also provided internal security assistance through the ATA program. It provided policy guidance and funding to the State Department’s Bureau of Diplomatic Security Office of Antiterrorism Assistance, which implemented the program. The State Department provided courses covering terrorist interdiction, train-the-trainers, explosives incidents countermeasures, and VIP protection to Afghan

²⁸ Author interview with Combined Security Transition Command–Afghanistan officials, November and December 2005.

²⁹ Asian Development Bank, United Nations, and World Bank, *Securing Afghanistan’s Future: Accomplishments and the Strategic Path Forward*, Kabul: Asian Development Bank, United Nations, and World Bank, 2004, p. 5.

³⁰ Author interview with members of DynCorp, November and December 2005.

National Police and other internal security forces. There was some vetting of those units trained, but a number of individuals involved in the program argued that it was neither systematic nor a priority.³¹ The State Department proposed training programs, the Afghan government proposed the names of individuals to be trained, and the potential trainees were partially vetted by the Office of Antiterrorism Assistance. However, there were numerous challenges in getting reliable information about units and individuals, making it difficult to assess whether prospective trainees were involved in major human rights atrocities.³²

The Office of Antiterrorism Assistance also developed an extensive VIP protection program to create an Afghanistan Presidential Protective Service. ATA officers traveled to Afghanistan, met with the president and his staff, and began a program to identify and train Afghan nationals into the service. After being trained in protection basics, students were given additional training in crisis response teams, surveillance detection, explosives ordnance disposal, countersniper skills, and advanced vehicle driving.³³

The Office of the Coordinator for Counterterrorism was also involved in several other types of assistance, including the establishment of counterterrorism finance programs to stem the flow of funds to terrorist groups and to strengthen the capability of the Afghan government to detect, disrupt, and deter terrorist financing networks. Counterterrorism finance programs provided Afghanistan with technical assistance in drafting anti-terrorist-financing legislation, as well as training for bank regulators, investigators, and prosecutors to identify and prosecute financial crimes that support terrorism. A second type of assistance was provided through the Terrorist Interdiction Program, which was designed to bolster the border security of countries

³¹ Author interviews with U.S. State Department and Defense Department officials, September–December 2005.

³² Author interview with U.S. State Department officials, October 2005.

³³ Ambassador Cofer Black, Coordinator for Counterterrorism, “Foreign Assistance and International Terrorism,” testimony before the Senate Appropriations Subcommittee on Foreign Operations, Washington, DC, April 21, 2004; author interview with U.S. State Department officials, October 2005.

confronted with a high risk of terrorist transit.³⁴ Afghanistan received a sophisticated database system and training support to identify and track suspected terrorists entering and exiting at-risk countries.³⁵

Counternarcotics

The United States was also involved in assisting Afghan internal security forces counter the cultivation, production, and trafficking of narcotics. Former U.S. Ambassador Zalmay Khalilzad established the Office of Drug Control to oversee all U.S. counternarcotics activity, including assistance from INL, DEA, USAID, the FBI, and the CIA.³⁶ One step was the establishment of the Counter Narcotics Police in 2003, which had three major sections: investigation, intelligence, and interdiction. In 2004, the State Department encouraged the creation of a deputy minister for counternarcotics in the Ministry of Interior to oversee and coordinate counternarcotics enforcement activities. The Afghan government created a new counternarcotics ministry to coordinate and oversee Afghan counternarcotics policies and facilitate communication between President Hamid Karzai and his counternarcotics policymakers and practitioners.³⁷ The Office of Drug Control also provided some assistance to help improve Afghan capacity to undertake interdiction operations. The U.S. government contracted DynCorp to assist in efforts to eradicate opium poppy cultivation.³⁸ With some assistance from INL, the Afghan government established an Afghan Central Poppy Eradication Force (CPEF) in May 2004 to carry out centrally directed, forced ground eradication across the country. The CPEF con-

³⁴ On border problems, see Afghanistan Reconstruction Group, *Border Management Initiative: Information Brief*, Kabul: U.S. Embassy, November 2005; *Food for Thought by Germany: Regional Cooperation Regarding Border Management*, Kabul: German Embassy, 2005.

³⁵ Black, "Foreign Assistance and International Terrorism"; author interview with U.S. State Department officials, October 2005.

³⁶ The U.S. military was under a separate chain of command in Afghanistan, through Combined Forces Command–Afghanistan and up to the U.S. Secretary of Defense.

³⁷ Berlin Conference Security Paper, *Kabul: Government of Afghanistan*, March 2004, pp. 2–5; Bhatia, Lanigan, and Wilkinson, *Minimal Investments, Minimal Results*, pp. 9–10.

³⁸ Author interview with members of DynCorp, Kabul and Gardez, June 2004 and November 2005; Berlin Conference Security Paper, p. 5; *Afghanistan: Opium Survey 2003*, Vienna: United Nations Office on Drugs and Crime, 2003, pp. 53, 95–96.

ducts manual eradication of poppy crops within areas approved by the government of Afghanistan.³⁹

INL also implemented some programs to strengthen the criminal justice and corrections sectors in order to improve Afghan capacity to enforce laws. Since justice reform is a long-term process, the United States, the UK, and other donors supported Afghanistan's establishment of a Counternarcotics Vertical Prosecution Task Force in late 2004 to move expeditiously against narcotics criminals through the Afghan justice system. This program included initial training of a select group of judges, prosecutors, and police in counternarcotics issues; increasing the Afghan government's capacity to manage narcotics cases; and constructing a secure court and detention center to hold and try drug offenders.

In addition, DEA played a role in counternarcotics assistance, though numerous U.S. government officials in Washington and Kabul expressed disappointment with the paucity of DEA resources committed to this effort.⁴⁰ DEA's strategy in Afghanistan involved intelligence collection, training, counternarcotics operations, and broader regional efforts to counter the drug trade originating from Afghanistan. DEA took several steps.

First, it collected and disseminated intelligence on narcotics activity, assigning special agents and intelligence analysts to the Combined Forces Command–Afghanistan Intelligence Fusion Center, as well as the Combined Joint Task Force–76 at Bagram Air Field. DEA also established a Kabul Country Office, which interacted closely with the Afghan government's Counter Narcotics Police.⁴¹ However, DEA had some difficulty in developing reliable and useful informants in Afghanistan.⁴² Second, DEA provided drug enforcement training to

³⁹ Nancy J. Powell, Acting Assistant Secretary for International Narcotics and Law Enforcement Affairs, "Situation in Afghanistan," testimony before the House Armed Services Committee, Washington, DC, June 22, 2005.

⁴⁰ Author interview with U.S. State and Defense Department officials, November 2005.

⁴¹ Michael A. Braun, Chief of Operations, Drug Enforcement Administration, "U.S. Counternarcotics Policy in Afghanistan: Time for Leadership," testimony before the Committee on International Relations, U.S. House of Representatives, March 17, 2005.

⁴² Author interview with DEA officials, October 2005.

the Counter Narcotics Police, contracting most of this work out to Blackwater, a U.S.-based security consulting firm which provided eight weeks of basic training. In some cases, DEA provided several weeks of training to Afghan National Interdiction Units, which consisted of units from the Counter Narcotics Police that were selected to work on narcotics enforcement operations with DEA through its Kabul country office. Third, DEA foreign-deployed advisory and support teams conducted counternarcotics operations. These teams, which consisted of DEA special agents and intelligence research specialists, helped Afghan units identify, target, investigate, disrupt, and dismantle transnational drug trafficking operations in the region. They also conducted bilateral investigations into the region's trafficking organizations. The foreign-deployed advisory and support teams, which were supported and largely funded by DoD, also helped with the destruction of opium poppy storage sites, clandestine heroin-processing labs, and precursor chemical supplies.⁴³

As noted in Chapter Four, DEA also implemented Operation Containment to place a security belt around Afghanistan to prevent processing chemicals from entering the country and opium poppy and heroin from leaving. A regional approach was implemented because Afghanistan lacked a fully developed institutional system (i.e., courts and law enforcement agencies) for drug enforcement. Operation Containment involved nearly two dozen countries in Central Asia, the Caucasus, the Middle East, and Europe. Also, as already discussed, as part of Operation Containment, DEA established a Special Investigative Unit in Uzbekistan to help contain the threat of Afghan opium poppy entering Central Asia for further transit to Russia and Western Europe.⁴⁴

⁴³ Author interview with DEA officials, October 2005.

⁴⁴ Braun, "U.S. Counternarcotics Policy in Afghanistan."

Effectiveness of Internal Security Forces

How successful was the United States in helping improve the effectiveness of Afghanistan's internal security agencies? Reliable data on the security environment are limited, partly because the Afghan government has little capacity for collecting quantitative data on crime rates or levels of political violence. However, the available evidence suggests that Afghan internal security agencies have not become more effective in dealing with security threats. This conclusion is based on four proxy measures for the level of security:

- Insurgent attacks
- Public perception of security
- The drug trade
- The justice system

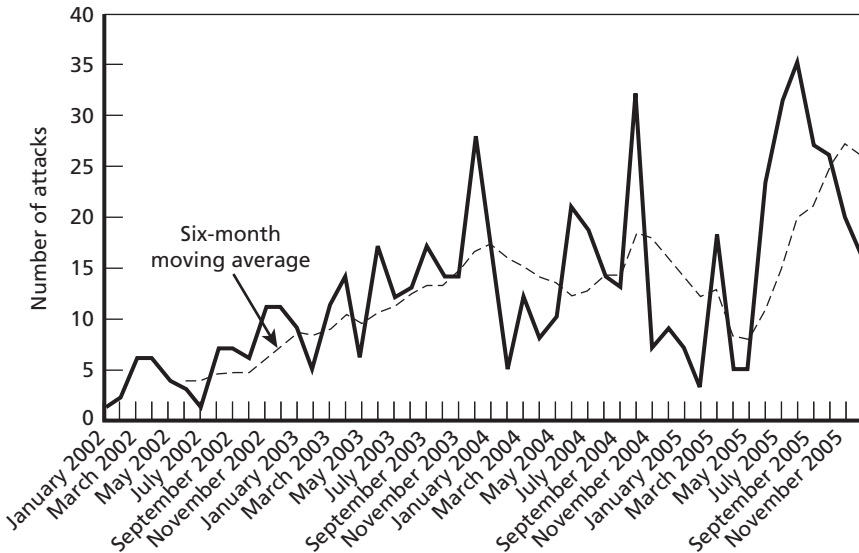
Insurgent Attacks

Figure 5.2 shows the number of insurgent attacks from January 2002 to December 2005, with a six-month moving average to indicate trends.⁴⁵ Despite a decrease in the number of attacks during the winter of 2004–2005, which was partly due to weather conditions, Afghanistan experienced a significant rise in attacks between 2002 and 2005. In particular, the number of attacks against Afghan civilians and government officials, international aid workers, and coalition forces rose significantly in the last quarter of 2005. Combat between coalition forces and insurgents is not included in the data. This is important because a key element of any counterinsurgency campaign is the impact *on the local population*. One of the most disturbing trends in Afghanistan has been the increasing use of suicide attacks, part of a much broader global trend.⁴⁶ The number of suicide attacks increased from one in

⁴⁵ RAND-MIPT Terrorism Incident Database.

⁴⁶ See, for example, Robert Pape, *Dying to Win: The Strategic Logic of Suicide Terrorism*, New York: Random House, 2005; Mia Bloom, *Dying to Kill: The Allure of Suicide Terror*, New York: Columbia University Press, 2005; Christoph Reuter, *My Life Is a Weapon: A Modern History of Suicide Bombing*, Princeton, NJ: Princeton University Press, 2004; Bruce Hoffman, *Inside Terrorism*, 2nd ed., New York: Columbia University Press, 2006.

Figure 5.2
Number of Insurgent Attacks in Afghanistan, January 2002–December 2005



SOURCES: RAND-MIPT Terrorism Incident Database; ANSO Security Situation Summary.

RAND MG550-5.2

2002 to two in 2003, six in 2004, and 21 in 2005. In 2006, there were more suicide attacks than had occurred in the entire history of the country.⁴⁷ One of the authors of this report was nearly killed in a suicide attack in Kabul in September 2006 that was the largest attack ever in the capital city at the time.

U.S. government data show a significant decrease in the number of terrorist attacks against U.S. and other coalition forces in 2004 and 2005.⁴⁸ This suggests that the Taliban, Hezb-i-Islami, and foreign jihadists shifted their strategy from targeting coalition forces to attacking softer targets such as Afghans organizing or assisting in elections, NGO workers, and Afghan citizens believed to be cooperating

⁴⁷ Hekmat Karzai, *Afghanistan and the Logic of Suicide Terrorism*, Singapore: Institute of Defence and Strategic Studies, March 2006; Hekmat Karzai and Seth G. Jones, "How to Curb Rising Suicide Terrorism in Afghanistan," *Christian Science Monitor*, July 18, 2006.

⁴⁸ Author interview with U.S. Army officials, November 2004.

with coalition forces or the Afghan government. Attacks took place throughout the country, though most occurred in the south and east in such provinces as Helmand, Kandahar, Paktia, and Paktika.⁴⁹

There are several reasons for the deterioration of the security situation, especially in the east and south. First, insurgents use Pakistan as a sanctuary for conducting attacks and recruiting new members. This means that the most unstable provinces are those close to the Afghan-Pakistani border. Pakistan is a staging area for offensive insurgent operations, and U.S. intelligence sources have identified known, suspected, and likely insurgent border crossing points.⁵⁰ A significant portion of the Afghan insurgency's military and political leadership is based in Pakistan. Research on past insurgencies shows that groups that have well-established infrastructures and base areas and can operate in protective terrain cannot be quickly defeated.⁵¹ Second, there has been little measurable improvement in the effectiveness of the Afghan National Police in countering insurgents or organized criminal groups.

Public Perception of Security

Public-opinion polls show that security remains the most significant concern for Afghans. Opinion polls are a useful outcome measure for the security environment.⁵² Ideally, it would be useful to analyze

⁴⁹ Jane's Information Group, "Country Risk Assessment: Afghanistan," *Jane's Intelligence Review*, Vol. 16, No. 5, May 2004, pp. 38–41; Bhatia, Lanigan, and Wilkinson, *Minimal Investments, Minimal Results*, pp. 1–8; Davis, "Afghan Security Deteriorates as Taliban Regroup," pp. 10–15.

⁵⁰ Author interviews with U.S. intelligence officials, November 2005. On Pakistan, also see Barno, *Afghanistan: The Security Outlook; Ranger Observations from OEF and OIF: Tactics, Techniques, and Procedures*, Fort Leavenworth, KS: Center for Army Lessons Learned, February 2005, p. 21; David L. Buffaloe, *Conventional Forces in Low-Intensity Conflict*, pp. 16–17.

⁵¹ Stephen T. Hosmer, *The Army's Role in Counterinsurgency and Insurgency*, Santa Monica, CA: RAND Corporation, 1990, pp. 30–31.

⁵² On Afghanistan and public opinion, see *ABC News Poll: Life in Afghanistan*, New York: ABC News, 2005; Frederick Barton, Bathsheba Crocker, and Morgan L. Courtney, *In the Balance: Measuring Progress in Afghanistan*, Washington, DC: Center for Strategic and International Studies, 2005; Asia Foundation, *Voter Education Planning Survey: Afghanistan 2004 National Elections*, Kabul: International Republican Institute, 2004; *Afghanistan: Election Day Survey*, Kabul, October 9, 2004.

opinion-poll results over time to identify changing patterns in public views of the security environment. But polling data in Afghanistan have been limited, and we found no opinion polls that asked the same question repeatedly over time about the security environment. Nevertheless, public-opinion data indicate several major trends.

First, as noted above, most Afghans believe that security is the biggest problem facing the country. They are particularly concerned about threats from warlords, insurgent attacks, and other violence such as crime. An International Republican Institute poll indicated that the most important priority of the Afghan government should be to disarm commanders and warlords. Other important security priorities included strengthening the army and police, eliminating the Taliban, and removing al Qaeda.⁵³ The withdrawal in July 2004 of Médecins sans Frontières, which had been in Afghanistan for nearly three decades, was a testament to the deteriorating security environment. A month earlier, five Médecins sans Frontières workers were ambushed and shot in the head in the northwestern province of Badghis. Second, support for the jihadists has been notable: 29 percent of the Afghans interviewed said they had a very favorable or somewhat favorable view of jihadi leaders. Third, support for the Afghan and U.S. governments is strong. Roughly 85 percent of the Afghans interviewed had a very favorable or somewhat favorable view of President Karzai. Approximately 65 percent had a favorable view of the U.S. government, and 67 percent had a favorable view of the U.S. military.⁵⁴

In short, popular support for counterinsurgent forces in Afghanistan has been significant, though the approval of jihadi leaders by nearly one-third of the population demonstrates that there is still support for insurgents. In addition, there has been significant popular support for the insurgency in neighboring countries, especially Pakistan. Taliban insurgents who operate in the southern Afghan provinces of Kandahar, Oruzgan, Helmand, and Zabol have significant support networks in such Pakistani provinces as North West Frontier and Baluchistan and have found ethnic and political support from Pakistan's Pashtuns. Tal-

⁵³ Ibid., p. 16.

⁵⁴ Asia Foundation, *Voter Education Planning Survey*, pp. 107–108.

iban prisoners captured in Afghanistan have said repeatedly that they received training in such areas as the Mansehra District. The Taliban and foreign jihadists conduct most of their financing and recruiting operations on the Pakistani side of the border.⁵⁵ There is some evidence that Pakistan's Inter-Service Intelligence (ISI) Directorate has provided assistance to the Taliban for both ideological and geostrategic reasons. Some within the ISI sympathize with the jihad against United States and other Western forces, and some wish to preserve a Pakistani foothold in Afghanistan.⁵⁶ Moreover, foreign jihadists operating in such Afghan provinces as Paktia and Paktika have found support across the border in Peshawar and Waziristan.⁵⁷ Organizations such as the Mutahidda Majlis-e-Amal, an Islamist party in Pakistan's North West Frontier province, have also provided funding to insurgents. In general, militant groups in Pakistan have supported the insurgency in Afghanistan. These include groups linked to Jama't-e-Islami, which are made up of hardline Muslims but are nonsectarian, and Wahhabi groups such as Lashkar-e-Taiba. U.S. forces have also encountered insurgents who had been students at Pakistani madrassas.

There is some evidence that Russia has also provided assistance to warlords in the north. Iran has provided assistance to warlords in the west, as well as Hezb-i-Islami;⁵⁸ and the United States and coalition forces have supplied assistance to warlords and military commanders in the south and east as part of OEF [Operation Enduring Freedom].⁵⁹ U.S. support has turned out to be a double-edged sword. Beginning in 2001, the United States allied with a number of warlords to defeat

⁵⁵ Ahmed Rashid, "Who's Winning the War on Terror?" *Yale Global Online Magazine*, September 5, 2003.

⁵⁶ Interview with senior Afghanistan government official, September 6, 2005; Davis, "Afghan Security Deteriorates as Taliban Regroup," p. 13.

⁵⁷ Kucera, "Counter-Insurgency in Afghanistan; Davis, "Afghan Security Deteriorates as Taliban Regroup."

⁵⁸ Rubin and Armstrong, "Regional Issues in the Reconstruction of Afghanistan," p. 34; Sedra, "Challenging the Warlord Culture."

⁵⁹ Jane's Information Group, "Country Risk Assessment: Afghanistan," pp. 38–41; Bhatia, Lanigan, and Wilkinson, *Minimal Investments, Minimal Results*, p. 6; Davis, "Afghan Security Deteriorates as Taliban Regroup," pp. 10–15.

the Taliban and other insurgent forces.⁶⁰ However, a continuation of this policy weakens the central government by preserving the warlords' power.

Drug Trade

The cultivation of opium poppy is a significant problem in Afghanistan. Acreage cultivation figures are difficult to estimate, but UN data suggest that the drug trade remains one of Afghanistan's most serious challenges.⁶¹ As Figure 5.3 illustrates, poppy cultivation rose from approximately 74,045 hectares in 2000 to 131,000 hectares in 2004, dipped slightly to 104,000 in 2005, and then rose again to 165,000 hectares in 2006. The income of Afghan opium poppy farmers and traffickers represents roughly 40 percent of the gross domestic product of the country, which includes both licit and illicit activity. Afghanistan's share of opium poppy production is also 87 percent of the world total.⁶²

Since at least 1980, *mujahidin*, warlords, and the Taliban regime have used drug money to help fund their military campaigns and to earn a profit. In 1997, the UN and the United States estimated that 96 percent of Afghan heroin came from areas under Taliban control. The Taliban expanded the area available for opium poppy production and also increased trade and transport routes through neighboring countries such as Pakistan.⁶³

The fact that the drug trade is a major source of revenue for warlords, insurgents, and criminal organizations operating in Afghanistan's border regions, as well as for members of the Afghan government,⁶⁴ contributes to security problems by strengthening the power of

⁶⁰ Interview with Ambassador James Dobbins, former U.S. envoy to Afghanistan, Washington, DC, September 21, 2004.

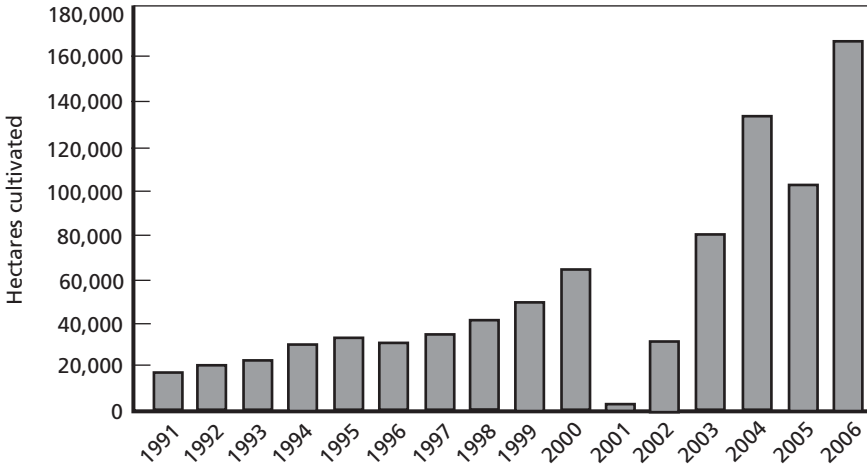
⁶¹ Interview with UN officials, November and December 2005.

⁶² *Afghanistan: Opium Survey 2006*, Kabul: United Nations Office on Drugs and Crime, 2006; *Afghanistan: Opium Survey 2005*, Kabul: United Nations Office on Drugs and Crime, 2005.

⁶³ Rashid, *Taliban*, pp. 119–120.

⁶⁴ Rubin and Armstrong, "Regional Issues in the Reconstruction of Afghanistan," p. 34.

Figure 5.3
Opium Poppy Cultivation in Afghanistan, 1986–2006



SOURCES: *Afghanistan: Opium Survey 2006*; United Nations, *The Opium Economy in Afghanistan*; United Nations, *World Drug Report*.

RAND MG550-5.3

nonstate actors at the expense of the central government. It is difficult to assess why cultivation numbers dropped in 2005, but U.S. and British efforts to work with Afghanistan's counternarcotics forces and political figures likely helped. The United Nations Office on Drugs and Crime concluded that "the government of Afghanistan ordered provincial governors to eradicate opium poppy fields; the central government also undertook separate eradication campaigns, run by a special-purpose Central Poppy Eradication Force (CPEF) and the Afghan National Police (ANP)."⁶⁵ For example, the governor of Nangarhar province played a role in reducing cultivation between 2004 and 2005 through a policy of prevention and intimidation by Afghan police. The U.S. government also provided some economic assistance. Almost three-fourths of the eradication (72 percent) took

⁶⁵ *Afghanistan: Opium Survey 2005*, p. iii.

place in Nangarhar and Helmand provinces, where poppy cultivation was ranked highest in the nation in 2004.⁶⁶

Viable and sustainable income-generation programs need to be established to support eradication efforts and to help convince some farmers not to cultivate poppy. Eradication was accompanied, and at times preceded, by alternative livelihood programs and material support. The provinces where declines in cultivation were most striking (Nangarhar, 96 percent; Badakshan, 53 percent) or where cultivation remained stable (Helmand, 10 percent) are the provinces that received the largest contributions for alternative development. Nangarhar received \$70.1 million in assistance, and Badakshan and Helmand received \$47.3 million and \$55.7 million, respectively.⁶⁷ The drug trade will remain a major challenge for the foreseeable future. Poppy was cultivated in all Afghan provinces in 2005, up from 18 of 32 in 1999.⁶⁸

Justice System

Afghanistan's justice system continues to face severe problems. Measuring the effectiveness of the system is problematic because little reliable data are available. But World Bank data suggest that Afghanistan's rule of law is one of the least effective in the world. These data measure the extent to which populations have confidence in and abide by the rules of society. The data include perceptions of the incidence of crime, the effectiveness and predictability of the judiciary, and the enforceability of contracts.⁶⁹ Figure 5.4 illustrates public perception of Afghanistan's

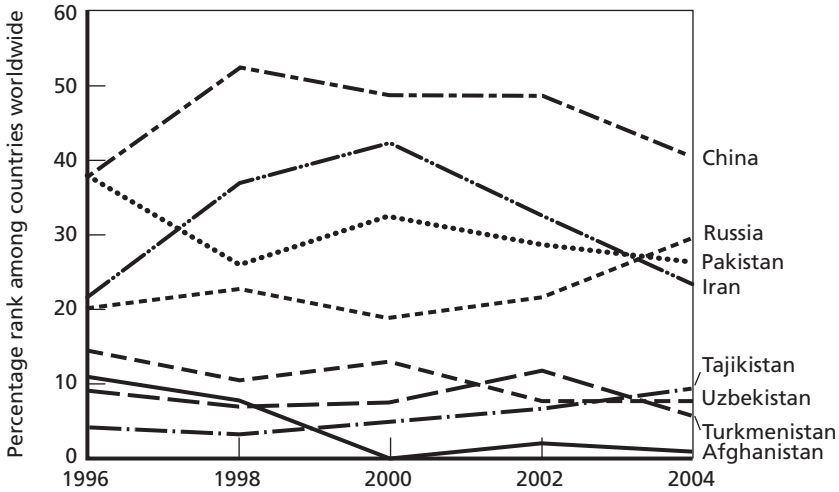
⁶⁶ Author interview with Doug Wankel, Director of the Office of Drug Control, U.S. Embassy, Kabul, November 2005; *Afghanistan: Opium Survey 2005*, p. iii.

⁶⁷ *Afghanistan: Opium Survey 2005*, pp. iii–iv.

⁶⁸ *Afghanistan: Opium Survey 2005*; *Afghanistan: Opium Survey 2004*, Kabul: United Nations Office on Drugs and Crime, 2004; United Nations, *The Opium Economy in Afghanistan: An International Problem*, 2nd ed., Vienna: United Nations Office on Drugs and Crime, 2003; *Afghanistan: Opium Survey 2003*, pp. 1–10; Barnett R. Rubin, *Road to Ruin: Afghanistan's Booming Opium Industry*, New York: Center on International Cooperation, October 2004.

⁶⁹ Daniel Kaufmann, Aart Kraay, and Massimo Mastruzzi, *Governance Matters III: Governance Indicators for 1996–2002*, Washington, DC: World Bank, 2002, p. 4.

Figure 5.4
Public Perception of the Rule of Law



SOURCE: World Bank Governance Indicators dataset.

RAND MG550-5.4

rule of law from 1996 to 2004 in comparison with other countries in the region, including China, Iran, Pakistan, Russia, Tajikistan, Turkmenistan, and Uzbekistan. Afghanistan’s justice system started from a low base. When the United States helped overthrow the Taliban regime in 2001, Afghanistan had the lowest ranking in the world.

Improving the justice system faces several challenges. First is the central government’s inability to decrease the power of warlords and exert control over the country. Warlord commanders, who were allowed to maintain de facto control over areas seized following the overthrow of the Taliban regime, established authority over local courts, which has led to intimidation of centrally appointed judges. Second, the Afghan government’s inability and unwillingness to address widespread and deep-rooted corruption has decreased the effectiveness of the justice system. Corruption is endemic, partly because unqualified personnel loyal to various factions are sometimes installed as court officials. The Supreme Court and the Attorney General’s office have been accused of

significant corruption.⁷⁰ The World Bank concludes that Afghanistan is one of the most corrupt governments in the world; only Haiti and Equatorial Guinea had lower corruption rankings in 2002.⁷¹ A corrupt judiciary is a serious impediment to Afghanistan's ability to establish a viable rule of law, since it cripples the legal and institutional mechanism designed to curb corruption.

Impact of U.S. Assistance on Human Rights

How successful has U.S. assistance been in helping improve the accountability and human rights practices of Afghanistan's internal security agencies? An examination of evidence from documented cases and quantitative data shows that significant human rights abuses have occurred in Afghanistan. As the Afghanistan Independent Human Rights Commission argued:

[Afghanistan] must cope with a legacy of violation and abuse by repressive authorities, armed groups and individuals, and has been confronted with severe human rights abuse, violence, injustice, the physical destruction of most of the country, and the destruction of social and cultural values resulting from a quarter century of conflict. Mass bombardment of villages, arbitrary detention, summary execution of prisoners, torture, rape of women and children, looting of public and civilian property, forced disappearance of civilians and massacres have created an atmosphere that has cast a dark shadow on the psychology of the whole nation.⁷²

However, most abuses since 2001 have been perpetrated by warlord militias and insurgents. Public views of the accountability and

⁷⁰ Interview with Deputy Minister of Justice Mohammad Qasim Hashimzai, Kabul, June 26, 2004; Rama Mani, *Ending Impunity and Building Justice in Afghanistan*, Kabul: Afghanistan Research and Evaluation Unit, 2003, p. 2.

⁷¹ Kaufmann, Kraay, and Mastruzzi, *Governance Matters III*, pp. 113–115.

⁷² Afghanistan Independent Human Rights Commission, *A Call for Justice: A National Consultation on Past Human Rights Violations in Afghanistan*, Kabul, 2005, p. 4.

human rights practices of the security forces have also improved. But corruption still remains a significant problem among Afghan internal security forces and the government more broadly.⁷³

Documented Cases

There is little evidence that Afghan government internal security forces trained by the United States and other governments have committed major human rights abuses. Human Rights Watch, Amnesty International, the Afghanistan Independent Human Rights Commission, and other human rights groups have documented a number of recent human rights abuses in Afghanistan, but most of the allegations have involved warlord and Taliban forces.⁷⁴ Local warlord forces were involved in arbitrary arrests, kidnapping, extortion, torture, and extrajudicial killings. They were also involved in the rape of women and girls, murder, illegal detention, forced displacement, and other abuses against women and children, including human trafficking.⁷⁵ There is some evidence that forces loyal to Hazrat Ali and Haji Zahir in Nangarhar engaged in numerous human rights abuses, including the seizure of land, kidnapping civilians for ransom, and extortion.⁷⁶ In the north, forces loyal to Rashid Dostum, Mohammad Mohaqqiq, and other Junbish-e Milli leaders may have been involved in repeated human rights abuses, including abuses against Pashtun villagers during the war against the

⁷³ This section relies on extensive interviews with UN officials, as well as a variety of non-governmental organization officials, in Afghanistan throughout 2004 and 2005.

⁷⁴ Amnesty International, *USA/Afghanistan: More Deaths and Impunity*, October 31, 2005; Amnesty International, *Torture and Secret Detention: Testimony of the "Disappeared" in the "War on Terror,"* August 4, 2005; Human Rights Watch, *Afghanistan: Killing and Torture by U.S. Predate Abu Ghraib*, May 20, 2005; Human Rights Watch, "Stress and Duress" Techniques Used Worldwide, June 1, 2004.

⁷⁵ Human Rights Watch, *Killing You Is a Very Easy Thing for Us*, July 2003; Afghanistan Independent Human Rights Commission, *Annual Report 2003*; Amnesty International, *No One Listens to Us and No One Treats Us as Human Beings: Justice Denied to Women*, October 2003; Amnesty International, *Out of Sight, Out of Mind: The Fate of Afghan Returnees*, June 2003.

⁷⁶ Human Rights Watch, *The Rule of the Gun: Human Rights Abuses and Political Repression in the Run-Up to Afghanistan's Presidential Election*, September 2004; Human Rights Watch, *Killing You Is a Very Easy Thing for Us*.

Taliban in 2001.⁷⁷ During the September 2005 parliamentary election campaign, there were numerous reports of intimidation by warlord militias to force people to vote for or against specific candidates.⁷⁸

Insurgents have also conducted a wide variety of attacks against Afghan government buildings, Afghan officials, civilians, NGOs, schools, and religious organizations. One Human Rights Watch report concluded: “The biggest immediate problem is that anti-government, anti-coalition forces . . . continue to operate at will in many districts in the south and southeast, carrying out assassinations, attacking civilian government workers and humanitarian staff, and intimidating elections workers and potential voters and candidates.”⁷⁹ The Taliban killed a number of parliamentary candidates, Islamic clerics, and others who participated in or publicly supported the September 2005 elections.⁸⁰ Candidates in the south and southeast were particularly vulnerable to intimidation and assassination. These actions were consistent with past Taliban behavior. The Taliban regime was one of the most ruthless and repressive in Afghanistan’s history, and it perpetrated widespread torture, extrajudicial killings, and intimidation.⁸¹ Indeed, human rights groups have increasingly called for justice for past crimes such as the 1992 and 1993 killing and wounding of thousands of civilians in Kabul during interfactional fighting.⁸²

Most allegations that Afghan police and security forces engaged in human rights abuses after the overthrow of the Taliban occurred *before*

⁷⁷ Human Rights Watch, *Paying for the Taliban’s Crimes: Abuses Against Ethnic Pashtuns in Northern Afghanistan*, April 2002.

⁷⁸ Human Rights Watch, *Afghanistan on the Eve of Parliamentary and Provincial Elections*, 2004, pp. 8–14.

⁷⁹ *Ibid.*, p. 2.

⁸⁰ At least six candidates were killed leading up to the September 2005 elections: Akhtar Mohammad Tolwak, Mohammad Wali, Mohammed Karim Qurabaghi, Haji Atiqullah, Khan Mohammad Yaqubi, and Habibullah Khan. In addition, more than a half dozen high-level clerics who vocally supported the government or the election process were killed during this period (Human Rights Watch, *Afghanistan on the Eve of Parliamentary and Provincial Elections*, pp. 23–24).

⁸¹ Rashid, *Taliban*; Maley, *Fundamentalism Reborn?*

⁸² Human Rights Watch, *Blood-Stained Hands: Past Atrocities in Kabul and Afghanistan’s Legacy of Impunity*, 2005.

the U.S. and other governments began major assistance. Amnesty International documented a number of human rights violations in 2002 by members of the Afghan police and the National Security Directorate, Afghanistan's intelligence service. Examples included arbitrary arrests across the country and torture, including the use of electric cables, metal bars, and electric shocks. In November 2002, following demonstrations at Kabul University, Afghan police allegedly beat, tortured, and killed several protesters. Those police had received no significant riot training. In addition, conditions in prisons and detention centers were frequently inadequate, with hygiene and sanitation falling far short of minimum standards.⁸³

There has been some evidence that prison conditions are still inhumane because of the collapsing infrastructure, the lack of food, and the continuing occurrence of beatings.⁸⁴ But there has been comparatively little systematic evidence of U.S.-trained police or other internal security forces engaging in major human rights violations.

Public Perception

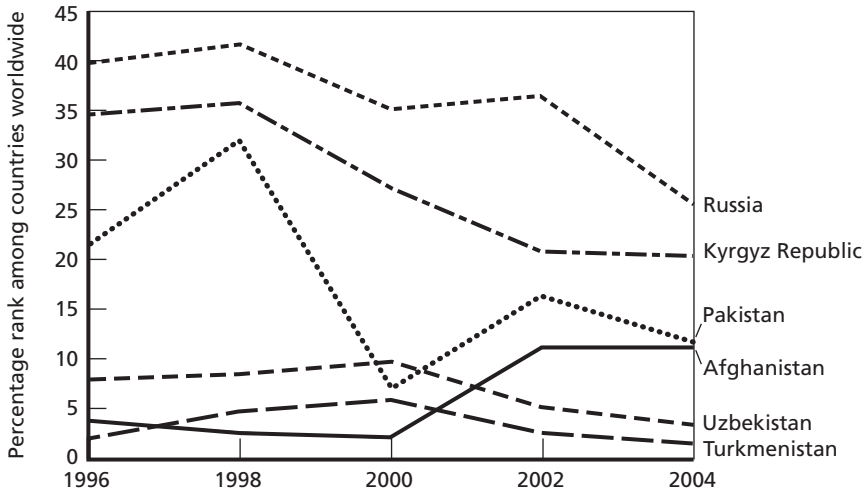
There has been some improvement in the perception of human rights practices among Afghans, although many Afghans have called for some form of transitional justice to punish those involved in past abuses.⁸⁵ Figure 5.5 presents the public perception of political, civil, and human rights practices in Afghanistan and five other countries in the region—the Kyrgyz Republic, Pakistan, Russia, Turkmenistan, and Uzbekistan—based on World Bank data. The figure shows the percentile rank of each country's political, civil, and human rights practices from 1996 to

⁸³ Amnesty International, *Afghanistan: Police Reconstruction Essential for the Protection of Human Rights*, March 2003.

⁸⁴ As one U.S. government official noted after visiting the Pol-e-Charkhi prison, "While it's not quite hell on earth, prison conditions are pretty rough. There is minimal food and water, temperatures are often excessively hot or cold depending on the season, and the infrastructure is generally in poor shape" (author interview with U.S. government official, November 2005).

⁸⁵ See, for example, Afghanistan Independent Human Rights Commission, *A Call for Justice*.

Figure 5.5
Public Perception of Political, Civil, and Human Rights



SOURCE: World Bank Governance Indicators dataset.

RAND MG550-5.5

2004. Percentile rank indicates the percentage of countries worldwide that rate below a particular country, subject to a margin of error.⁸⁶ Afghanistan's human rights practices have improved since 2000, especially compared with the trends of other governments in the region. In all the other countries shown in Figure 5.5, human rights and other practices have *grown worse* over the past decade.

This finding is corroborated by data collected by David L. Cingranelli and David L. Richards. Their research shows that the use of torture and extrajudicial killings by the Afghan government has declined over the past several years. They define torture as the purposeful inflicting of extreme pain, whether mental or physical, by government officials or private individuals at the instigation of the government. They define extrajudicial killings as killings by government officials without due process of law. Cingranelli and Richards also

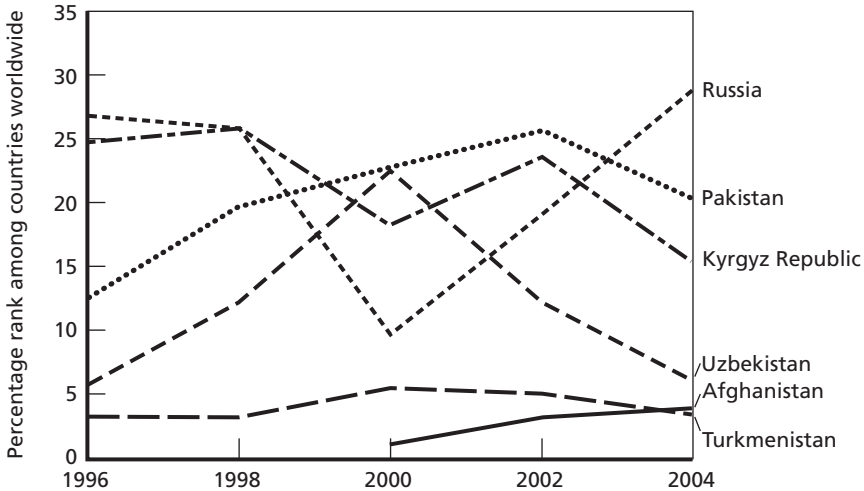
⁸⁶ Kaufmann, Kraay, and Mastruzzi, *Governance Matters IV*.

found that torture and extrajudicial killings have either increased or are still practiced frequently in a number of other countries in the region, including Uzbekistan, Turkmenistan, and Pakistan.⁸⁷

Corruption

Finally, corruption remains a serious problem in Afghanistan. Figure 5.6 shows the public perception of corruption in Afghanistan and five other countries in the region—the Kyrgyz Republic, Pakistan, Russia, Turkmenistan, and Uzbekistan—based on World Bank data. It measures the percentile rank of each country’s ability to control corruption from 1996 to 2004. Corruption refers to the exercise of public power for private gain, including both petty and grand corruption. Percentile rank indicates the percentage of countries worldwide that rate below

Figure 5.6
Public Perception of Corruption



SOURCE: World Bank Governance Indicators dataset.

RAND MG550-5.6

⁸⁷ Cingranelli and Richards, “Cingranelli-Richards (CIRI) Human Rights Dataset.”

a particular country, subject to a margin of error.⁸⁸ The lower a country's percentage rank, the more significant is its corruption problem. The perception of corruption has improved somewhat since 2000, but Afghanistan still ranks among the bottom 5 percent of countries worldwide. Corruption levels in countries across the region have varied considerably. In some, such as the Kyrgyz Republic, corruption has become more deeply entrenched. In others, such as Pakistan, it has declined. In still others, such as Turkmenistan and Russia, it has exhibited little change.

Interviews with U.S. and Afghan officials revealed that there is universal concern that corruption is rampant in the Afghan National Police, among Ministry of Interior officials, and in the justice system.⁸⁹ One senior Afghan national security official told us that "the two main challenges for Afghanistan are dealing with counternarcotics and good governance. On the latter point, corruption in the government—especially in the justice system, among police, and regarding the drug trade—is rampant."⁹⁰ U.S. Ambassador to Afghanistan Ronald Neumann similarly told us that "there is an absence of political will for good governance. Corruption has become a particularly acute problem with the new parliament, and there is evidence that a number of members are involved in drug-trafficking. The notion that the state should be 'accountable' is still largely a foreign concept."⁹¹ Yet Afghan leaders have been reluctant to crack down on corruption. President Karzai has been unwilling to remove major political figures involved in corruption; rather, he has moved them to other positions in the national or local government.⁹²

⁸⁸ Kaufmann, Kraay, and Mastruzzi, *Governance Matters IV*.

⁸⁹ Author interview with UN, U.S., and Afghan officials, November and December 2005.

⁹⁰ Author interview with senior Afghan government official, November 2005.

⁹¹ Author interview with Ronald E. Neumann, U.S. Ambassador to Afghanistan, November 2005.

⁹² See comments by Interior Minister Ali Jalali on corruption and the Afghan government (N. C. Aizenman, "Afghan Interior Minister Quits After Complaining of Graft," *Washington Post*, September 28, 2005, p. A17); Paul Watson, "Top Afghan Official Resigns: Interior Minister Had Complained of Corruption in Government," *Baltimore Sun*, September 28, 2005, p. 13A.

Conclusion

The results of U.S. assistance to Afghanistan have been mixed. Since the overthrow of the Taliban regime in 2001, U.S. assistance has somewhat improved the accountability and human rights practices of Afghan police forces (which admittedly began from a low baseline). However, U.S. assistance did not improve their effectiveness. By 2006, security conditions had notably worsened. What factors accounted for this situation?

Some improvement in the accountability and human rights practices of the police and other internal security forces was possible because the United States had significant leverage in the construction of the Afghan National Police and Ministry of Interior. In general, building internal security forces virtually from scratch can be a way to improve accountability and human rights. But these opportunities are likely to arise only in post-conflict and transitioning environments, and they require substantial efforts from external donors. The United States also secured leadership buy-in to reform the police from Afghanistan's political leadership, including President Karzai and the top leaders in the Ministry of Interior. This created an environment in which some reform was encouraged and facilitated. Indeed, significant reform cannot be brought about from below against the indifference or hostility of senior managers. The United States has been less successful in encouraging accountability and human rights among Afghanistan's warlords, who have continued to commit human rights abuses.

U.S. and German training and assistance did not improve the effectiveness of Afghan police and other internal security forces in dealing with security threats. Significant security challenges remain. Afghanistan faces an insurgency in the south and east of the country from Taliban, Hezb-i-Islami, and foreign fighters. The cultivation of opium poppy and the production and trafficking of narcotics remain significant problems. Moreover, warlords are the primary source of law and order in substantial parts of the country. As the

Afghanistan National Security Council's *National Threat Assessment* concluded: "Non-statutory armed forces and their commanders pose a direct threat to the national security of Afghanistan. They are the principal obstacle to the expansion of the rule of law into the provinces."⁹³ International and Afghan efforts to build the justice system have also faced challenges.

The United States, along with its coalition and non-governmental partners, should push forward on several fronts. The first front should be to increase efforts to remove warlords and regional commanders from power. Public-opinion polls indicate that the Afghan population places little faith in the ability of warlords to establish law and order and suggest that they are losing legitimacy to the central government and Afghan National Police.⁹⁴ Warlords can be removed from power through a combination of co-option and enforcement. Co-option involves offering inducements to warlords and their militias to disband and demobilize. There will almost certainly be some who refuse to give up power, so the Afghan government will increasingly need to adopt an enforcement strategy that emphasizes the arrest and prosecution of illegal militias.

The second front should be to encourage greater reform of Afghanistan's justice system. An ineffective justice system weakens efforts to reform Afghanistan's internal security system, including efforts to combat the drug trade. An incompetent judiciary, corruption, and decrepit prison conditions will undermine whatever benefits come from better policing. Indeed, an important lesson from Afghanistan is that the security and justice systems—including police, other security forces, courts, and corrections facilities—are interlinked and interdependent. This seems to be a recurrent lesson of nation-building operations. The United States, Italy, the UNDP, and other international actors need to dedicate more resources to justice-sector reform. In 2004, for example, the United States spent 55 times more on the

⁹³ Afghanistan Office of National Security Council, *National Threat Assessment*, Kabul, September 2005, p. 4.

⁹⁴ *Afghanistan National Development Poll, Survey One: Overview and Findings*, Kabul: Altai Consulting, November 2005.

Afghan National Army than it spent on reconstructing the justice system, 16 times more on the police, and 12 times more on counternarcotics. As Simon Chesterman argues, the rule of law has not been a priority for the Afghan government, the UN, or the donor community more broadly.⁹⁵ This will likely have serious long-term consequences.

The third front should be to seek justice for victims and perpetrators of past human rights abuses. A truth commission is a potentially viable option for this process, assuming it can achieve at least two important objectives. First, it must credibly demonstrate that previous patterns of abuse and impunity are rejected and that justice can be fair, with proceedings that make plain that abuse and atrocities are not acceptable or accepted and that they will not be tolerated in the future. Second, it must include meaningful domestic capacity-building as part of the accountability process. Unless norms of accountability are institutionalized in a sustainable manner, by strengthening national legal institutions and encouraging fairer processes and greater substantive accountability, the long-term impact is likely to be minimal.

Criminal trials of major human rights abusers, if widely viewed as fair, can demonstrate that even leaders with economic and political clout are not above the law and that pervasive impunity for atrocities will no longer be tolerated. Trials can also provide some solace to victims or their families. But if trials are seen as biased, they can have negative effects, reinforcing rather than diluting skepticism about the fairness of law and reinforcing grounds for grievance.⁹⁶ It is worth noting that the only war-crimes trial to date in Afghanistan has been that of Asadullah Sarwari, the former head of Afghan intelligence under

⁹⁵ Simon Chesterman, *You, The People: The United Nations, Transitional Administration, and State-Building*, New York: Oxford University Press, 2006, p. 180.

⁹⁶ On truth commissions and war crimes tribunals, see Gary Jonathan Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals*, Princeton, NJ, and Oxford: Princeton University Press, 2000; David Wippman, Jane Stromseth, and Rosa Brooks, *Can Might Make Rights? The Rule of Law After Military Interventions*, New York: Cambridge University Press, 2006; Howard Ball, *Prosecuting War Crimes and Genocide: The Twentieth Century Experience*, Lawrence, KS: University of Kansas Press, 1999; Chesterman, *You, The People*, esp. Chap. 5.

Hafizullah Amin from 1978 to 1979, who was sentenced to death in February 2006 for ordering hundreds of killings.⁹⁷

⁹⁷ Abdul Waheed Wafa and Carlotta Gall, "Ex-Afghan Spy Chief Is Sentenced to Death," *New York Times*, February 26, 2006. Sarwari's trial has been criticized by several human rights groups for failing to conform to international standards of due process, a lack of procedure to rule on the admission of witnesses and evidence, a lack of provision to call and cross-examine relevant witnesses, and a neglect of available evidence. In addition, some argued that without national legislation on war crimes and crimes against humanity, Sarwari could not be charged with the most serious crimes for which he is believed responsible. See, for example, Human Rights Watch, *Afghanistan: Conviction and Death Sentence of Former Intelligence Chief Flawed*, New York: Human Rights Watch, 2006.

Pakistan¹

The government of Pakistan is now considered to be one of the most important partners of the United States in the South Asian region. Since reversing its policy of support to the Taliban in Afghanistan following the 9/11 attacks, Pakistan has been hailed as a central partner in the Bush administration's global war on terror (GWOT), playing a critical role in helping to degrade the operational capabilities of al Qaeda and affiliated Taliban elements fleeing Afghanistan in the wake of Operation Enduring Freedom. Indeed, at the time of writing, Pakistan had rendered more terrorist suspects to America than any other coalition partner; among the suspects are several "high-value" assets, including Abu Zubaydah, Khalid Sheikh Mohammad, Ramzi Binalshibh, Abu Farraj al-Libbi, and Ahmed Ghailani.²

¹ This chapter summarizes the key findings of ongoing work by C. Christine Fair and Peter Chalk under the auspices of the United States Institute of Peace. See C. Christine Fair and Peter Chalk, *Fortifying Pakistan: The Role of U.S. Internal Security Assistance*, Washington, DC: U.S. Institute of Peace, October 2006. See also Peter Chalk and C. Christine Fair, "Domestic Disputes: Pakistani Internal Security," *Georgetown Journal of International Affairs*, Issue 5.2, Summer/Fall 2004.

² Zubaydah and Mohammad were two of al Qaeda's most senior operational planners; Binalshibh is believed to have played a key logistical support role for the 9/11 strikes on the Pentagon and the World Trade Center; al-Libbi was allegedly the number three man in the organization at the time of his arrest (2005); Ghailani remains the chief suspect behind the 1998 East Africa embassy bombings. It should be noted that Islamabad's track record with respect to the Taliban is less conclusive. To date, no Taliban leader of any consequence has been captured, and many U.S. analysts have even accused some Pakistani security forces of passively aiding and abetting Pashtun militants attacking U.S. and coalition troops in Afghanistan (author discussions with U.S. officials in Islamabad, August 2005). See also Stephen Cohen, *The Idea of Pakistan*, Washington, DC: The Brookings Institution, 2005, p. 272; C. Christine Fair, "Militant Recruitment in Pakistan: Implications for Al-Qa'ida and

The United States additionally has an enduring interest in a number of other, albeit related, internal security concerns that buttress U.S. counterterrorism efforts in the region. Notably, Washington continues to seek Pakistani cooperation on such matters as counter-narcotics, extradition, money-laundering, human trafficking, demand reduction and drug-abuse control, alternative development and poppy eradication, and issues connected to illegal migration. Just as important, a critical U.S. government goal in South Asia is to narrow the possibility of an India-Pakistan war. Sources of tension between the two countries range from territorial conflicts (Kashmir) and extradition disputes (particularly in relation to known or wanted criminals and Islamist extremists) to security dilemmas arising out of nuclear and conventional arms races. Working with Pakistan to dampen the destabilizing potential of these and other matters is widely recognized as vital to securing and promoting security on the subcontinent.

This chapter assesses the current scope and effectiveness of U.S. internal security assistance to Pakistan in two areas: (1) countering key security threats, and (2) improving accountability and human rights practices. The analysis begins by discussing the country's principal sources of domestic instability. It then outlines the broad parameters of State Department and Justice Department support to Pakistan and assesses the effectiveness of that support.

Security Threats

Pakistan is plagued by a multitude of internal threats, the most significant of which are a diverse array of terrorist organizations and, to a lesser extent, organized crime. Unfortunately, the Pakistani govern-

Other Organizations," *Studies in Conflict and Terrorism*, Vol. 27, No. 6, November/December 2004; C. Christine Fair and Peter Chalk, *An Analysis of U.S. Efforts to Fortify Pakistan's Internal Security*, Washington, DC: U.S. Institute of Peace, forthcoming; and various comments made by then-U.S. Ambassador to Afghanistan, Zalmay Khalilzad on militants operating from Afghanistan summarized in Khalid Hassan, "Pakistan Not Doing Enough to Curb Terrorists: Zalmay," *The Friday Times*, November 20, 2003, available at http://www.dailytimes.com.pk/default.asp?page=story_20-11-2003_pg1_3 (accessed November 28, 2005).

ment has only a limited enforcement capability to deal with these challenges. This section discusses the nature of the contemporary domestic security environment in Pakistan and assesses the extent to which its problems are being ameliorated by U.S. assistance programs.

Terrorism

Terrorism remains a particularly serious problem, with bomb attacks and random killings emerging as almost daily occurrences over the past few years. Although the Pakistani government has tended to portray sectarian groups as posing a largely manageable law-and-order problem—in contrast to jihadist extremists, who are generally viewed as constituting a genuine strategic threat³—Sunni-Shi'a terrorist organizations have been consistently active, accounting for some 314 deaths over the past three years alone.⁴

The chief protagonists in this domestic religious rivalry are the Sunni Sipah-e-Sahaba Pakistan (SSP) and the Lashkar-e-Jhangvi (LeJ), established in 1996 as a radical SSP breakaway group,⁵ and the

³ For a more detailed discussion of how Pakistan differentiates between sectarian and al Qaeda groups, see C. Christine Fair, "Militant Recruitment in Pakistan;" and Peter Chalk and C. Christine Fair, *Fortifying Pakistan: The Role of US, Internal Security Assistance*, Washington, DC: USIP Press, 2006.

⁴ Figures from Indian sources are even higher. See, for instance, data on the South Asia Terrorism Portal, Institute for Conflict Management, Delhi, available at <http://www.satp.org>. It should be noted, however, that the overall tempo of sectarian violence in Pakistan has declined somewhat in recent years. According to Zaffar Abbas, Bureau Chief for the British Broadcasting Corporation (BBC) in Islamabad, there are two reasons for this: (1) Shi'a groups have been increasingly marginalized and disempowered as a decisive force in their own right (a process that essentially began with the overrunning of their training bases in Afghanistan following the emergence of the Taliban); and (2) Sunni groups now have a wider agenda, which over the past four years has systematically shifted to criticizing the Musharraf government for its support in the U.S.-led GWOT (author interview with BBC, January 2005).

⁵ Both SSP and LeJ maintain that they are in no way organizationally linked. Few analysts in India and Pakistan believe this to be the case, however. The two groups' cadres come from the same Deobandi madaris and share the same sectarian belief system, worldview, and charter of demands. In addition, the SSP leadership has never overtly criticized the terrorist actions of LeJ, and it is suspected that the latter merely acts as a deniable conduit through which the former can direct attacks against Shi'ites (authors' interview, BBC, Islamabad, January 2005). See also Roger Howard, "Probing the Ties That Bind Militant Islam," *Jane's Intelligence Review*, February 2000, p. 38.

Shi'a Tahrik-e-Jafaria (TJP) and its militant wing Sipah-e-Muhammad Pakistan (SMP).⁶

In addition, there are a variety of militant ethnic groups, particularly in Baluchistan, which witnessed a major resurgence of violence during 2004. Renegade tribal militias fighting for an equitable share of the province's sizable gas reserves have been at the forefront of much of this unrest. Last year, groups such as the Baloch Liberation Army (BLA), the Baloch People's Liberation Army (BPLA), and the Baloch Liberation Front (BLF) were linked to no less than 141 attacks between January and June, injuring 190 and killing 56.⁷

The overall terrorist threat has been considerably exacerbated in the wake of Operation Enduring Freedom. Three specific problems have emerged. First, there are growing indications that foreign extremists connected to the Taliban and al Qaeda have logistically relocated to the semiautonomous Federally Administered Tribal Areas (FATA) in Pakistan's North West Frontier province (NWFP) and are now using these areas to consolidate resources for anti-Western attacks as well as renewed offensives in Afghanistan.⁸ Military sweeps through South

⁶ The genesis for these groups traces back to the confluence of two events in the late 1970s: (1) the program of Sunni Islamization deliberately propagated by the regime of General Muhammad Zia ul-Haq, which was viewed with hostility and suspicion by Pakistan's Shi'a community, and (2) the 1979 Iranian revolution, which was directly instrumental in politicizing Shi'a identity and emboldening the course of sectarian mobilization vis-à-vis the country's Sunni majority. For further details, see Muhammad Qasim Zaman, "Sectarianism in Pakistan: The Radicalization of Shi'a and Sunni Identities," *Modern Asian Studies*, Vol. 32, No. 3, 1998, pp. 692–693; and Vali Nasr, "International Politics, Domestic Imperatives and Identity Mobilization: Sectarianism in Pakistan, 1979–1988," *Comparative Politics*, January 2000, pp. 175–176.

⁷ See Ilyas Khan, "Back to the Hills," *The Herald Magazine*, Pakistan, September 2004, pp. 51–63; Rashed Rahman, "Balochistan Continues to Haunt Musharraf"; "Baloch Will Resist Military Offensive, Warns Senator," *The Daily Times*, Pakistan, January 16, 2005; "Six Blasts Rock Pakistan," *The Australian*, February 4, 2005; and "Four Explosions Rock Balochistan," *The Daily Times*, Pakistan, April 20, 2005.

⁸ Author interviews with U.S. State Department officials, November 2004; the Pakistani Federal Investigative Agency (FIA), January 2004; and the UN, January 2005. See also James Risen and David Rohde, "Mountains and Border Foil Quest for Bin Laden," *The New York Times*, December 13, 2004. According to CIA sources cited in this report, the tribal areas continue to form an important crux of the residual bin Laden network, including, allegedly, the base for an "elite" unit dedicated to preparing for and coordinating attacks against Western interests in different parts of the world.

Waziristan in 2004, which represented the first time Islamabad had directly intervened on the territories of the tribal areas, confirmed that external Islamist penetration has taken place. Between the initiation of the sweeps in February and their termination in December, a total of 302 militants were killed and 656 were arrested. Some 80 percent of these fighters were foreign, mostly Afghan Arabs, Uzbeks, and Chechens, along with a smaller number of Uighurs from China.⁹ Subsequent operations in March 2005, which focused on North Waziristan and resulted in the death or capture of several more Arab jihadists from the Middle East and Africa, similarly suggest that Islamists have penetrated into FATA. (Also note that prior to Operation Enduring Freedom, many Arabs resided in this area and were married to local Pashtun women. Pakistani officials believe that these Arab-Pashtuns were also drawn into the insurgency in FATA following these military attacks.)¹⁰ The operations themselves generated problems in terms of popular perceptions inside Pakistan. The 2004 sweeps, for instance, were the subject of considerable controversy, largely because they made direct use of law enforcement provisions that are rooted in Pakistan's colonial past (notably the concept of collective responsibility) and not consonant with the principles of modern democracy.

Second, several prominent jihadist *tanzeems* (organizations)¹¹ that have traditionally focused on the struggle in Jammu and Kashmir (J&K)¹² appear to be reorienting their activities inward, adopt-

⁹ Author interview with InterServices Intelligence (ISI) Directorate, January 2005. Similar comments were also made during the Tribal Areas of Pakistan: A Haven for Terrorists? Conference, Royal United Services Institute, London, January 19, 2005. See also Ilyas Khan, "Who Are These People?" *The Herald Magazine*, Pakistan, April 2004, pp. 60–67.

¹⁰ Carlotta Gall, "Pakistanis Pursue Qaeda Forces in Offensive on Afghan Border," *The New York Times*, March 7, 2005.

¹¹ For detailed information about the various *tanzeems* originating in Pakistan, see Mohamad Amir Rana, *A to Z of Jehadi Organizations in Pakistan*, Lahore, Pakistan: Mashal Books, 2004.

¹² For further details on the Kashmir conflict, see Alexander Evans, "The Kashmir Insurgency: As Bad as It Gets," *Small Wars and Insurgencies*, Vol. 11, Spring 2000; Summit Ganguly, *The Crisis in Kashmir*, Washington, DC: Woodrow Wilson Center Press, 1997; Sumanttra Bose, *The Challenge in Kashmir: Democracy, Self-Determination and a Just Peace*, New Delhi: Sage Books, 1997; Robert Wirsing, *India, Pakistan and the Kashmir Dispute*, London: Macmillan, 1994; Asutosh Varshney, "India, Pakistan and Kashmir: Antinomies of Nation-

ing a wider anti-Pakistani agenda to protest the country's support for the U.S.-led GWOT. The most notable have been Jaish-e-Muhammad (JeM),¹³ Harakat-ul-Jihad-e-Islami (HuJI), and Harakat-ul-Mujahideen (HuM), all of which have been variously implicated in high-level assassination attempts against President Musharraf, Prime Minister Shaukat Aziz, and the Karachi Corps Commander, General Ahsan Saleem Hyat.¹⁴ U.S.-based analysts have further suggested that certain "globalized" elements within Lashkar-e-Taiba (LeT)¹⁵ have begun to take on more-explicit non-Kashmiri causes. The 2002 arrest of Abu Zubaydah, which took place at an LeT safe house in Faisalabad, has been hailed as evidence that members of the group have actively cooperated with al Qaeda and have possibly assisted with the movement of cadres throughout Pakistan.¹⁶ In addition, there have been periodic claims that LeT has been instrumental in recruiting and training Islamists to engage U.S. forces in Iraq.¹⁷ However, none of these reports have thus far been substantiated.

Third, and in many ways related to the above, there are certain indications that Pakistani groups may now be working in conjunc-

alism," *Asian Survey*, November 1991; and Jonah Blank, "Kashmir-Fundamentalism Takes Root," *Foreign Affairs*, Vol. 78, No. 6, November–December 1999.

¹³ JeM was proscribed in 2002 and now operates as *Jamaat-ul-Furqan*.

¹⁴ Author interviews with FIA and Ministry of Interior officials, January 2005. See also Amir Mir, *The True Face of Jihadis: Inside Pakistan's Network of Terror*, New Delhi: Roli Books, 2006; Zaffar Abbas, "What Happened," *The Herald Magazine*, Pakistan, June 2005; Mubashir Zaidi, "Militant Flourishes in Plain Sight," *The Los Angeles Times*, January 25, 2004; Juliette Terzieff, "Assassination Tries Linked to al-Qaeda," *The San Francisco Chronicle*, January 16, 2004; John Lancaster and Kamran Khan, "Investigation of Attacks on Musharraf Points to Pakistani Group," *The Washington Post*, January 14, 2004.

¹⁵ Like JeM, LeT was proscribed in 2002; it now operates as *Jama-ul-Dawa*.

¹⁶ K. Alan Kronstadt and Bruce Vaughn, *Terrorism in South Asia*, Washington, DC: Congressional Research Service (CRS) Report for Congress, RL32259, August 9, 2004; U.S. Coordinator for Counterterrorism, *Patterns of Global Terrorism 2002*, Washington, DC: U.S. Department of State, April 30, 2003.

¹⁷ According to officials in the U.S. Embassy in Islamabad, there have been no credible and substantive accounts of LeT's presence in Iraq beyond a 2004 report that the British detained two individuals with ties to the organization. See Praveen Swami and Mohammad Shehzad, "Lashkar Raising Militants for Iraq," *The Hindu*, India, June 13, 2004; and John Wilson, "Lashkar-e-Taiba: New Threats Posed by an Old Organization," *Terrorism Monitor*, Vol. III, No. 4, February 24, 2005.

tion with international militants to help stage attacks in overseas theaters. Concerns in this regard were galvanized following the July 2005 attacks on the London underground. Three of the four British citizens involved in the bombings had ethnic ties to Pakistan. In addition, two of the perpetrators, Shehzad Tanweer and Mohammad Sidique Khan, are known to have traveled to Pakistan. It has now been established that Tanweer came into contact with Osama Nazir, a member of JeM who was later arrested in connection with a 2002 strike on an Islamabad church,¹⁸ and may also have visited the LeT headquarters in Murdike (which is 20 miles outside of Lahore).¹⁹ The extent to which such activities (if indeed they have occurred) were ad hoc individual initiatives or the result of sanctioned directives emanating from the central LeT command, however, remains unclear.²⁰ Moreover, there is no evidence that those responsible for the London bombings were radicalized in Pakistan. Indeed, by all accounts, their emergence as militant entities would seem to have occurred while they were in the UK.²¹ However, Khan, who spent considerable time in Pakistan, recorded a preattack video for the London operation in Pakistan, and with the likely assistance of al Qaeda elements.²²

¹⁸ According to Nazir, Tanweer traveled to Pakistan at least five times between 2001 and 2005, visiting several madrassas scattered across the country. One of the schools was allegedly Jamia Manzoorul Islamia, which has been directly linked to JeM. In addition, Nazir claimed to have met Tanweer in Faisalabad “a few days” before his arrest in December 2004. See Luke Harding and Roise Cowan, “Pakistan Militants Linked to London Attacks,” *The Guardian* (UK), July 19, 2005; and Peter Foster and Nasir Malick, “Suicide Bombers Flew to Pakistan Together,” *The Daily Telegraph* (UK), July 19, 2005.

¹⁹ Unlike JeM, which has affirmed contact, LeT has denied any connection to Tanweer.

²⁰ Author interviews with InterServices Intelligence (ISI) Directorate and Ministry of Interior officials, January 2005. See also Fair, “Militant Recruitment in Pakistan,” p. 494. A number of journalists in Pakistan reject the idea that LeT has lost its focus on the Kashmiri theater, arguing that the group is not prone to factionalism, due to both strong leadership and the fact that the group draws from the Ahl-e-Hadith, which is a tight minority in Pakistan. This is unlike the situation for Deobandi organizations, which are larger, less disciplined, and therefore more prone to ideological splintering.

²¹ Harding and Cowan, “Pakistan Militants Linked to London Attacks”; and Foster and Malick, “Suicide Bombers Flew to Pakistan Together.”

²² See Sean Rayment, Andrew Alderson, Daniel Foggo, and Massoud Ansari, “London Bombers ‘Recorded Video in Pakistan’ with Help of al Qaeda,” *The Daily Telegraph* (UK),

Organized Crime

Further complicating Pakistan's internal security situation is an endemic culture of organized criminal activity, especially in the drug trade. Intelligence from Western drug officials indicates that, on average, at least one-quarter of the unrefined and morphine-based opiates produced in Afghanistan (the world's leading supplier of heroin)²³ pass through Pakistan, which acts as a central conduit to both Turkey and Iran, the main hubs for the movement of narcotics to the European market. Overall volumes have steadily increased since 2001, with a record 34 metric tons of heroin seized in 2003, just under half (47 percent) of all the narcotics intercepted that year in the wider Afghan opiate containment zone, which includes Pakistan, Iran, Uzbekistan, Tajikistan, and Russia. Although the volume of heroin traffic for 2004 declined slightly, to 24.7 metric tons, it still equated to a 65 percent increase over the combined total for 2002 and 2003 (14.9 metric tons).²⁴

Pakistan itself has a habitual (as opposed to recreational) drug user population of between 3.5 and 5 million, of which roughly 1.5 million are chronic heroin abusers²⁵ who help to fuel an underground economy that some analysts believe could be worth as much as

August 31, 2005; and Alan Cowell, "Al Jazeera Video Links London Bombings to Al Qaeda," *The New York Times*, August 31, 2005.

²³ According to the U.S. Department of State, 2004 was a record year of poppy cultivation, with more than 206,700 hectares grown. This amount more than trebled the area devoted to poppy cultivation in 2003. In terms of opiate base, some 4,950 metric tons of opium gum were produced in Afghanistan during the year—a 35 percent increase over the previous "high" of 3,656 metric tons produced in 1999. This exceeded the 292 metric tons produced by Burma—the second-largest producer—by a multiple of 17. See Office of Narcotics and Law Enforcement Affairs, "Southwest Asia," *International Narcotics Control Strategy Report 2004*, Washington, DC: U.S. Department of State, March 2005. For historical assessments, see also Pierre-Arnaud Chouvy, "Afghan Opium Production Predicted to Reach New High," *Jane's Intelligence Review*, October 2004, p. 29; Susanna Loof, "U.N. Agency Warns Afghanistan Over Opium," *The Guardian* (London), October 29, 2003; and Eric Schmitt, "Afghan's Gains Threatened by Drug Traffic," *The New York Times*, December 11, 2004.

²⁴ Author interviews with Anti-Narcotics Force (ANF) officials, January 2005. See also section on Southwest Asia in *International Narcotics Control Strategy Report 2004*; and "Tonne of Heroin Worth \$8.4 Million Seized in Pakistan," Reuters, November 13, 2003.

²⁵ Author interview with Ministry of Foreign Affairs officials January 2005. See also United Nations, *Illicit Drugs Situation in the Regions Neighboring Afghanistan and the Response of the ODCCP*, Vienna: The United Nations Office for Drug Control and Crime Prevention, October 2002, p. 27. The overall prevalence of chronic abusers in Pakistan, expressed in terms of

\$1.4 billion a year.²⁶ The country's most powerful organized crime entity is the Karachi mafia, which controls most of the international conduits used to transport South Asian opiates and has emerged as a key player in the smuggling of light weapons and explosives. Sources in Delhi believe that the Karachi mafia has established a working relationship with the Indian underworld and is currently providing safe haven to Dawood Ibrahim, the ostensible "Don" of the Bombay mob, with suspected links to international terrorists and currently one of the most wanted men in India.²⁷

Pakistan has also emerged as a major center for the illicit smuggling of goods and people. Black market commodity vendors deal in everything from tea, clothes, chinaware, and electronics to car parts, oil, and petroleum products, selling these items in *baras* (bazaars) located along the country's porous border with Afghanistan. The World Bank has estimated the value of this "stealth economy" at over \$30 billion, roughly one-tenth of the country's official gross domestic product and one of the highest proportions in the world. The organized trafficking of people is just as pervasive; it mostly involves women and girls sold into prostitution and bonded labor and male children sent to the Middle East to become camel jockeys. The true extent of this trade in human flesh is unknown, although the Federal Investigative Agency (FIA) in Islamabad claims to receive, on average, five reports a day of attempts to smuggle people through the country. Overall, it is thought

the population as a whole, is roughly one-third of 1 percent—a percentage that is among the highest anywhere in the world.

²⁶ See Peter Blood, *Pakistan-US Relations*, Washington, DC: Congressional Research Service, February 12, 2002.

²⁷ Briefings given to authors, National Security Council Advisory Board, Delhi, September 9, 2002. Delhi's claims concerning Ibrahim are largely shared by the United States. According to a 2003 report by the U.S. Treasury, the Karachi-based criminal "has found common cause with Al Qaida, sharing his smuggling routes with the terror syndicate and funding attacks by Islamist extremists aimed at destabilizing the Indian government. He is wanted . . . for the 1993 Bombay Exchange bombings and is known to have financed the activities of Lashkar-e-Tayyiba (Army of the Righteous)." Pursuant to these findings, Washington has officially designated Ibrahim as a terrorist supporter. See U.S. Treasury, "U.S. Designates Dawood Ibrahim as a Terrorist Supporter: Indian Crime Lord Has Assisted Al Qaida and Supported Other Terrorists in India," October 16, 2003, available at <http://www.ustreas.gov/press/releases/js909.htm> (last accessed August 23, 2005).

that between 100 and 150 illegal migrants cross the border in any 24-hour period, most of them women from Bangladesh and Burma who have been kidnapped or married to agents by parents in their home countries.²⁸

Corruption

In addition to terrorist and criminal threats, the legitimacy of Pakistani domestic governance faces a pervasive and enduring threat from corruption. Over the past ten years, the country has consistently been ranked in the bottom 10 percent of Transparency International's Corruption Perception Index,²⁹ with scores ranging from 2.1 to 2.7 (out of a possible maximum "clean" of 10).³⁰ Surveys of academics, business people, risk analysts, and ordinary citizens reveal a startling picture of a state in which virtually no arm of government is free of some form of graft and institutionalized dishonesty. According to Transparency International's 2003 Pakistan Country Study Report, the most severely affected sectors—in order of magnitude—are law enforcement, power (WAPDA and KESC),³¹ taxation, judiciary, customs, health, land, education, telephone, railways, NGOs (primarily those dealing with development projects), the postal service, and banks. In all of these sectors, bribes are routinely paid for all manner of "favors"—being relieved of a

²⁸ Author interviews with FIA officials, January 2005. See also Husain Haqqani, "Country Report—Pakistan," *Countries at the Crossroads*, Freedom House, available at <http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=7&ccrpage=31&ccrcountry=138>; "Pakistan Gears Up to Tackle People Smugglers," *Agence France Presse*, February 20, 2003.

²⁹ The Corruption Perception Index provides a comparative assessment of national integrity systems based on interviews and surveys—both resident and nonresident—aimed at gauging perceived levels of corruption among politicians and public officials. Scores of 2 or less generally reflect a pervasive problem that is not being met with any concerted countermeasures. In 2003, this ranking was accorded to Bangladesh, Nigeria, Haiti, Paraguay, Myanmar, Tajikistan, Georgia, Cameroon, Azerbaijan, Angola, Kenya, and Tanzania. See Transparency International, "Nine Out of Ten Developing Countries Urgently Need Practical Support to Fight Corruption, Highlights New Index," *Transparency International, 2003*, available at <http://www.transparencykazakhstan.org/english/cpi2003.htm>.

³⁰ See, for instance, Transparency International, *Pakistan's Anti-Corruption Program: Observations and Recommendations*, Berlin: Transparency International, May 2002.

³¹ Water and Power Development Authority and Karachi Electric Supply Corporation.

traffic fine, ensuring connectivity to an electricity supply, having a case heard by a sympathetic judge, obtaining access to medical care, settling land disputes, even altering exam results.³²

Unfortunately, by almost every measure, Pakistan has only a very limited capacity to deal with the threats it faces. Even though the Musharraf government has been active in detaining jihadists linked to al Qaeda,³³ the country lacks a comprehensive internal security strategy—particularly with regard to the overall terrorist threat to domestic stability—and remains ill-equipped to counter the generalized lack of law and order that frustrates both Washington's operations in the region and Islamabad's own goals of social, political, and economic rehabilitation.

The police lack basic investigative skills in collecting evidence and following chains of custody and have few technical resources at their disposal. The state has no centralized criminal database, and until recently, no forensic laboratories were available for collecting and assembling evidence against criminal or terrorist suspects.³⁴ The immigration system is equally archaic. International airports have only recently begun to operationalize a digitized system for tracking those entering and leaving the country and have yet to develop robust structures for communicating with one another in a way that would enable

³² Transparency International, *National Integrity Systems Country Study Report—Pakistan 2003*, p. 8; Haqqani, "Country Report—Pakistan"; "IMF Asks Pakistan to Reduce Corruption," *The News*, October 29, 2003, available at <http://www.jang.com.pk/thenews/oct2003-daily/29-10-2003/main/main5.htm>.

³³ Pakistan's contribution to the war on terror in terms of the detention of leading al Qaeda members was universally acknowledged by a wide array of officials interviewed at the Pentagon, the U.S. Department of State, U.S. Central Command, and the U.S. Embassy in Islamabad between 2002 and 2005.

³⁴ Pakistan has only rudimentary forensics capabilities in each of its provinces. For example, while laboratories can determine whether blood is from a human or an animal, they cannot type-detect samples. American officials in Islamabad are trying to upgrade these facilities with essential equipment, including such basic items as microscopes and ballistic-testing apparatuses. Notably, however, no move (at the time of writing) has been taken to transfer DNA technology to Pakistan. Currently, the country has only one DNA repository, a private facility in Karachi that is used primarily for establishing paternity (author interviews with U.S. officials, January 2005).

the effective institution of a dedicated terrorist or criminal watch list. Land borders suffer from even greater deficiencies, particularly those in the remote northern and western areas, where frontier posts are largely devoid of any formal regulations or controls.³⁵

Furthermore, Pakistan's civil authorities have inadequate investigatory and intelligence collection assets. The most competent organization is the ISI. But while it has in recent decades become increasingly involved in managing or orchestrating domestic developments within Pakistan, the ISI is not an institution that has traditionally sought to actively promote the provision of civil justice and prosecution, seeing its role more in terms of advancing the national security imperatives of the state. Furthermore, the relationship between the ISI and the police is not reciprocal, particularly in terms of information exchange.³⁶

It is true that moves have been made to address some of these shortcomings, mostly by the Pakistani Ministry of Interior. A principal component of these efforts has involved soliciting U.S. assistance to help strengthen the state's law enforcement capacity. To this end, the former Minister of Interior, Moinuddin Haider, played a key role in helping to convene a Joint Working Group on Counter Terrorism and Law Enforcement (JWG-CTLE). The forum's inaugural meeting was held in Washington, DC, in May 2003 and covered a range of issues, including counternarcotics, counterterrorism, extradition, money-laundering, human trafficking, reducing demand for illegal substances, alternative development and poppy eradication, police and legal system

³⁵ Author interviews with U.S. Department of State officials, November 2004. See also Fair and Chalk, *Fortifying Pakistan: The Role of U.S. Internal Security Assistance*, (2006).

³⁶ Author interviews with Pakistani-based journalists, January 2003. According to these journalists, many of whom have interacted with local police in Karachi fighting sectarian and ethnic militant groups, the ISI is loath to provide local law enforcement with actionable intelligence but insists on receiving raw data derived from arrests and detentions. Somewhat more controversial have been allegations that the ISI actively suppresses details pertaining to high-profile cases (such as the Daniel Pearl homicide) to ensure that unfavorable information about the Directorate's activities does not become public. This has been a major (and recurrent) point of contention among Pakistani police officials.

reform, and issues pertaining to the repatriation of Pakistani nationals held on visa violations.³⁷

The JWG-CTLE made a promising start by highlighting just how underresourced Pakistan's counterterrorism and law enforcement mechanisms are. Moreover, as the Islamabad-Washington relationship has evolved, the forum has come to play a prominent role in streamlining cooperation among Pakistani law enforcement agencies. This is important, as the Pakistani government has yet to promulgate effective coordination processes that clearly demark geographic and functional areas of responsibility for its internal security services.³⁸ Nevertheless, the ability of the JWG-CTLE to truly affect the day-to-day operation of Pakistan's internal security structure is limited by the sporadic and ad hoc nature of its formal meetings.

U.S. Assistance

Cognizant of Pakistan's internal stability problems in terms of both threat and response, the United States has invested considerable resources in helping to bolster and improve the country's civil security infrastructure. The bulk of this support has taken the form of law enforcement assistance and reform programs enacted through the State Department and the Justice Department. As the following discussion of these various initiatives details, the goals of these programs are multifaceted and aim toward capacity-building. While improvements in human rights practices and good governance are seen as "positive externalities" of police reform and training and other engagements, these are not goals in and of themselves.³⁹

³⁷ *Fact Sheet: Official Working Visit of President Musharraf of Pakistan*, U.S. Programs to Assist the People of Pakistan, February 13, 2002, available on-line at <http://www.whitehouse.gov/news/releases/2002/02/20020213-10.html>. See also U.S. Department of State, International Information Programs, "U.S.-Pakistan Joint Group on Counter-Terrorism Meets," May 8, 2002, available at <http://usinfo.state.gov/regiona/nea/sasia/text/0508uspak.htm>.

³⁸ Author interviews with U.S. Department of State officials, November 2004; author interviews with Pakistani and U.S. officials, January 2005.

³⁹ For a more comprehensive discussion of these programs and their goals, see Fair and Chalk, *Analysis of U.S. Efforts to Fortify Pakistan's Internal Security*.

Department of State

Several entities within the State Department are involved in providing internal security assistance to Pakistan. Most of them are under the auspices of INL, although several other agencies are also involved at varying levels of engagement. Each has its own set of objectives and perceived challenges, which are discussed below.

Bureau of International Narcotics and Law Enforcement (INL).

INL hopes to achieve the following aims through its programs in Pakistan:

- Strengthen Islamabad's control of the Pakistan-Afghanistan border and expand central government access to the border areas to deny sanctuary to insurgents.
- Improve Pakistani law enforcement capacity and interagency cooperation.
- Enhance the country's counternarcotics capabilities.⁴⁰

After the 9/11 attacks and the subsequent launch of military operations in Afghanistan, INL received \$73 million in supplemental funding to help fortify Pakistan's border areas. By way of comparison, prior to 2001, allocations totaled less than \$2 million per year. While funding has fallen off somewhat since 2001, it remains substantial, with \$30.5 million apportioned in fiscal year 2004 and \$40 million requested in fiscal year 2005.⁴¹ INL has been involved in several prominent assistance programs in Pakistan, including the following:

- The introduction of the Personal Identification Security, Comparison and Evaluation System (PISCES), a computerized system that captures details about all persons entering or exiting Pakistan. PISCES is now operational at all of the country's main air-

⁴⁰ U.S. Department of State, "An Overview of INL Programs in Pakistan: Combating Terrorism, Narcotics Production, and Trafficking," November 29, 2004, document provided to authors by INL official.

⁴¹ *Ibid.*

ports, and there are plans to install additional components at key land crossings as well.⁴²

- The creation of an airwing, under the auspices of the Ministry of Interior, in Quetta (Baluchistan), complete with three Caravan spotter planes, eight Huey II helicopters,⁴³ and ground transport, to allow for more-effective surveillance and reconnaissance, troop rotation, logistical resupply, medical evacuation, and command and control.
- The construction of paved border security and counternarcotics access roads in FATA, with the aim of opening up 50 percent of previously inaccessible areas by the end of 2005.⁴⁴
- The construction of entry/exit points along the Pakistani-Afghan frontier equipped with modern surveillance equipment and ground-operations vehicles and linked through dedicated border security intelligence-coordination cells.
- Basic police training and reform, focusing on the fundamentals of criminal investigation and crime-scene analysis, as well as the development of appropriate organizational structures to foster leadership skills, managerial abilities, and institutional accountability.
- Initialization of an automated fingerprint identification system (AFIS), which will ultimately consist of a central mainframe (housed at FIA headquarters in Islamabad) linked to dedicated satellite terminals at all of the country's provincial police forces. At the time of writing, 239,000 fingerprints had been collected and stored in the nascent system.⁴⁵

⁴² Author interviews with Ministry of Interior and FIA officials, January 2005.

⁴³ There are plans to provide two additional helicopters over the next year or so.

⁴⁴ At the time of writing, 426 kilometers of road had been laid, and an additional 391 kilometers were under construction.

⁴⁵ AFIS was originally meant to be developed in conjunction with a separate National Criminal Database. However, insufficient funds were allocated to support both initiatives (\$10 million was allocated), and at the request of the Secretary of the Ministry of Interior, the projects were split—largely because it was felt that AFIS was more important and that resources and effort should, accordingly, be directed at this initiative. At the time of writing, little progress had been made with regards to the National Criminal Database.

- Counternarcotics programming (undertaken in conjunction with DEA), including crop eradication, interdiction, and (to a lesser extent) modalities designed to encourage crop substitution and small-scale agribusiness.⁴⁶

Office of Counterterrorism and Bureau of Diplomatic Security, Office of Antiterrorism Assistance. The U.S. State Department Counterterrorism Office (S/CT) and the Bureau of Diplomatic Security, Office of Antiterrorism Assistance (DS/ATA) are also involved in efforts to enhance Pakistan's internal security. Programs instituted through these two agencies are inherently linked: S/CT provides policy guidance and funding to DS/ATA, which in turn implements initiatives on the ground. S/CT determines the priority of selected countries to receive specific kinds of training.⁴⁷

S/CT officials have identified two main goals. The first is to foster Islamabad's continued will to meaningfully engage in the war on terrorism. The second is to provide the Pakistani government with the tools to decisively confront militant extremist threats emanating from within its borders. Compared with other program budgets, S/CT's budget is small, amounting to only \$10 million in fiscal year 2005. Most of the budget is directed toward enhancing Pakistan's basic investigative capabilities. S/CT officials believe that to the extent that the country has such expertise, it resides within the ISI, which is primarily an army-directed operation. S/CT's goal is to develop these skills within the civilian sector.⁴⁸

In Pakistan, S/CT and DS/ATA training and development have centered on the following:

⁴⁶ Author interviews with U.S. Department of State officials, November 2004, and with FIA and Ministry of Interior officials, January 2005. See also U.S. Department of State, *An Overview of INL Programs in Pakistan: Combating Terrorism, Narcotics Production, and Trafficking*, November 29, 2004.

⁴⁷ See Office of Antiterrorism Assistance web page, available at <http://www.diplomaticsecurity.org/> (last accessed July 7, 2005); Black, "Foreign Assistance and International Terrorism," available at www.state.gov/s/ct/rls/rm/2004/31672.htm (last accessed July 7, 2005).

⁴⁸ *Ibid.*

- The establishment of a dedicated counterterrorism Special Investigation Group (SIG) at the National Police Academy in Rawalpindi (this accounts for the bulk of the \$10 million that has been allocated for counterterrorism purposes).
- The provision of dedicated courses in special weapons and tactics (SWAT), VIP/diplomatic protection, and WMD response.
- The institution of a comprehensive framework for border security, surveillance, and command and control in the NWFP.⁴⁹

U.S. Agency for International Development (USAID). After a seven-year hiatus precipitated by Pakistan's nuclear tests in 1998, USAID returned to Pakistan in June 2002. Its mission was to "tangibly improve the lives of the poor . . . and to build support for [Islamabad's] decision to join the international war on terrorism and thwart further terrorist recruiting."⁵⁰ USAID is providing some \$147.6 million, which is being used to enhance the country's education and health sectors, create employment and economic opportunities, and strengthen governance.⁵¹

While its largest commitment is in the education sector, USAID is focusing increased attention on programs designed to bolster the transparency of the nation's electoral and legislative processes. Under USAID's current five-year strategic plan (2003–2007), \$64.5 million will be allocated to this effort. Integral to these endeavors will be the financing of Transparency International–Pakistan, which was first officially recognized in February 2001. The group was one of USAID's numerous grantees in fiscal year 2004, receiving funding to develop

⁴⁹ Author interviews with U.S. Department of State officials, December 2004, and with FIA officials, January 2005.

⁵⁰ USAID Pakistan, "USAID/Pakistan Interim Strategic Plan: May 2003–September 2006," May 2003, available at http://www.usaid.gov/pk/isp/Interim_Strategic_Plan_03_06.shtml (last accessed July 7, 2005).

⁵¹ U.S. Embassy, Islamabad. "USAID Provides \$147 Million to Improve Pakistan's Health, Education, Economic, Governance Sectors," May 26, 2005, available at <http://www.state.gov/p/sa/rls/pr/2005/46815.htm> (last accessed July 7, 2005).

more-effective mechanisms of oversight and accountability for the country's national and provincial legislatures.⁵²

In addition to the above assistance, USAID is actively contributing to INL's efforts in FATA by constructing schools. This work is being coordinated with the Pakistani government in an effort to win the "hearts and minds" of the local residents and also to open up the tribal areas so they can be integrated into the mainstream of the Pakistani state.⁵³

Department of Justice

Security assistance to Pakistan from the Justice Department essentially is provided under the auspices of ICITAP and DEA.

International Criminal Investigative Training Assistance Program (ICITAP). ICITAP officials identify five focal points for their work in Pakistan: (1) border security; (2) law enforcement reform and training; (3) the establishment of an AFIS; (4) the institution of a national criminal database; and (5) forensics.⁵⁴

In the short term, ICITAP's goal is to develop these areas to "help the Government of Pakistan develop an effective border control network that can respond effectively to various transnational criminal activities in a manner that is consistent with the highest professional standards, including internationally recognized human rights principles and the rule of law." Over the longer term, ICITAP seeks to work with other partner countries to reform Pakistan's law enforcement organizations and eliminate corruption. In addition to providing organizational-development consultations, technical assistance, and training to vari-

⁵² USAID, "Democracy and Governance: Background," available at <http://www.usaid.gov/pk/governance>; USAID, "Budget Justification to the Congress: Fiscal Year 2006," available at <http://www.usaid.gov/policy/budget/cbj2006/ane/pk.html>; USAID, "Pakistan Data Sheet: Democracy and Governance, FY2004," available at http://www.usaid.gov/our_work/democracy_and_governance/regions/ane/pakistan.pdf; Nancy Powell, "U.S. Foreign Policy Towards Pakistan," November 13, 2003, available at <http://www.state.gov/p/sa/rls/rm/26277.htm>; Transparency International—Pakistan, "About TI—Pakistan," available at <http://www.transparency.org.pk/abouttipak.htm>.

⁵³ USAID, "FATA School Rehabilitation and Refurbishment," available at http://www.usaid.gov/pk/program_sectors/education/projects/fata_school_rehabilitation.shtml.

⁵⁴ Author interview with ICITAP official, January 2005.

ous law enforcement entities, this effort will be aimed at (1) enhancing interagency coordination and cooperation across Pakistan's various law enforcement agencies on issues related to border security; (2) providing management and leadership training to senior-level law enforcement officials; (3) delivering skills training to mid-level police and line officers; and (4) augmenting investigative, training, and instructional capacities while facilitating police reform.⁵⁵

ICITAP, which coordinates much of its work with INL,⁵⁶ is responsible for several key initiatives in Pakistan that are directed primarily toward improving the state's ability to detect and intercept illicit cross-border activities. Relevant training takes place in Quetta and Peshawar and focuses primarily on institutional building within the Frontier Corps (FC) (the main security detachment in FATA), the Anti-Narcotics Force (ANF), customs and customs intelligence agencies, the FIA, and immigration.⁵⁷ In addition to providing in-country support, ICITAP runs various external instructional courses in the United States and had, at the time of writing, organized specific modules on border-security augmentation,⁵⁸ crime-scene investigation and first response,⁵⁹ and senior executive management.⁶⁰

⁵⁵ See ICITAP Project Overviews for Pakistan, available at <http://www.usdoj.gov/criminal/icitap/TextPakistan.html>.

⁵⁶ Although ICITAP falls under the auspices of DOJ, it is funded by INL as a "subcontractor" for the State Department. Fiscal information on its programs in Pakistan are not publicly available, although DOJ officials in Washington indicate that funding for those programs constitutes only a small proportion of INL's overall budget.

⁵⁷ Author interview with ICITAP official, January 2005.

⁵⁸ This course is intended to build core competencies of fixed-border-position police personnel through a skill-based proficiency program that covers on-site operational assessments, entry border-post operations, narcotics recognition, evidence collection and processing, explosives/weapons recognition, management of intelligence, tacking and sign-cutting, line operations, international refugee law, systemized vehicle search techniques, and other topics deemed critical to Pakistan's entry border-post operations. See ICITAP Project Overviews for Pakistan, available at <http://www.usdoj.gov/criminal/icitap/TextPakistan.html>.

⁵⁹ Key topics covered in this course include basic crime-scene investigation techniques, evidence collection and processing, and crime-scene reconstruction (ICITAP Project Overviews for Pakistan).

⁶⁰ This series of seminars focuses on building organizational capacity and sustainability and decisionmaking in the use of force (ICITAP Project Overviews for Pakistan).

Paralleling its border security efforts has been a concerted attempt to improve Pakistan's rudimentary forensics capabilities. The bulk of this effort has been aimed at furnishing the country's existing four laboratories with the means to undertake such essential operations as testing and comparing blood samples and ballistics. The long-term objective is to work with Islamabad on establishing a true national forensics infrastructure housed within the National Police Research Bureau and falling under the jurisdictional authority of the FIA.⁶¹ Notably, however, ICITAP is not currently helping to build any sort of DNA analysis capacity in Pakistan.⁶²

Drug Enforcement Administration (DEA). The bulk of DEA assistance to the government of Pakistan is directed toward the ANF and is aimed at stemming the flow of heroin originating in Afghanistan. This backing has primarily involved the provision of new investigative resources, all-terrain vehicles, and surveillance motorcycles.⁶³ In addition, DEA has been instrumental in setting up at least one SIU in Pakistan. The SIU, which is staffed by carefully vetted personnel who are trained and equipped to U.S. standards, has been instrumental in several significant seizures of opiates and traffickers.⁶⁴

Effectiveness of Internal Security Forces

The general consensus within U.S. and Pakistani policymaking circles is that U.S. assistance to law enforcement is relevant to Islamabad's

⁶¹ Author interviews with ICITAP official and FIA officials, January 2005. Projected costs for developing these areas is expected to be on the order of \$4 million.

⁶² At the time of writing, only one functioning laboratory existed in the country, a privately run facility in Karachi that has no connection to the police (who have to pay to access it) and is used primarily for paternity cases (author interviews with U.S. Embassy officials, January 2005).

⁶³ See Bureau for International Narcotics and Law Enforcement Affairs, "U.S. Government Assistance," in *International Narcotics Control Strategy Report*, 2005, available at <http://www.state.gov/g/inl/rls/nrcrpt/2005/vol1/html/42361.htm> (last accessed July 7, 2005).

⁶⁴ See testimony of Karen Tandy, DEA Administrator, before the U.S. House of Representatives Subcommittee on Criminal Justice, Drug Policy and Human Resources Committee on Government Reform, February 26, 2004, available at <http://www.usdoj.gov/dea/pubs/cngrtest/ct022604.htm> (last accessed July 10, 2005).

needs and is playing an important role in helping the government address some of the more glaring deficiencies in its domestic security setup. PISCES, AFIS, and the SIG have all been hailed as particularly useful, providing the foundation for far more robust frontier control as well as the means to undertake decisive terrorist and related criminal investigations.⁶⁵ In commenting on the utility of these and other programs, Akhtar Munir Marawat, the Joint Secretary of the Ministry of Interior, affirms, “U.S. assistance has been channeled to the appropriate places and reflects the priorities of the government.”⁶⁶ That said, the true potential of U.S. aid has been limited both by shortcomings in Pakistan and by the way programs have been developed and initialized in Washington.

Shortcomings in Police Training and Reform

American officials have identified a number of problems specific to the core mission of police training and reform in Pakistan. First, several of the myriad law enforcement entities that operate on the country’s borders and adjacent areas⁶⁷ lack training and equipment and have inadequate communication capabilities. Second, many of these agencies are insufficiently coordinated and overworked. Both of these deficiencies have negatively affected their overall effectiveness as professional law enforcement institutions. Third, the western border’s topography, the dearth of roads and other infrastructure in the tribal areas, and the region’s tenacious support for al Qaeda and Taliban elements have dramatically complicated the ability of extant law enforcement organizations to effectively fulfill their statutory mandates.⁶⁸ Fourth, while the U.S. government has expended significant resources in establishing a SIG within the FIA, the jurisdiction of this body has yet to be determined in law. This statutory limitation will seriously limit the effectiveness of this important capability. Fifth, despite promulgation of the Police Order Act in 2002, subsequent revisions in 2004 eviscerated

⁶⁵ Author interviews with Ministry of Interior and FIA officials, January 2005.

⁶⁶ Author interview with Akhtar Marawat, Ministry of Interior, January 2005.

⁶⁷ These include the FC, the ANF, the FIA, the Frontier Constabulary, and Customs.

⁶⁸ ICITAP Project Overviews for Pakistan.

many of its key provisions for increasing accountability of law enforcement structures and redirecting their mission to serving and protecting the civilian population. This is problematic, as U.S. assistance for police reform has largely been premised on the full application of the 2002 legislation.⁶⁹ Just as important, without a rigorous framework to ensure proper oversight and transparency for the country's law enforcement community, it is doubtful that American support will be effective in advancing the twin goals of human rights and good governance. This issue is discussed in more detail below.

Beyond these difficulties, there are several impediments to the effective delivery and long-term viability of assistance programs. Specifically, these pertain to "the absorptive capacity of the organizations receiving the training, loss of tacit knowledge and sustainability resulting from [staff] rotations, commitment of personnel, operational integration and mission . . . caps."⁷⁰ Desk officers at the State Department especially lament that frequently the right people are not sent to instructional courses, especially those taking place in the United States,⁷¹ and even when they are, they tend to be reassigned to areas that have little, if any, relevance to the training that was imparted (for example, bomb disposal or traffic control in the case of counterterrorism).⁷²

Moreover, INL and ICITAP representatives have noted that because Pakistan's law enforcement officers are severely underpaid (with the arguable exception of the Motorway Police), they remain "susceptible to outside influences and corruption, and are not respected by the

⁶⁹ For further information on this situation, see Fair and Chalk, *Analysis of U.S. Efforts to Fortify Pakistan's Internal Security*; Afzal Shigri, Implementing Police Order 2002: A Dilemma for Provinces, *The Daily News* (Pakistan), November 10, 2003; Afzal Shigri, "Dismantling the Police Command Structure," *The News*, Pakistan, January 3, 2005; and Lt. General S. Tanwir H. Naqvi (ret.), "Devolution: The Savior (Part I)," *The News*, Pakistan, February 14, 2005, and "Devolution: The Savior (Part II)," *The News*, Pakistan, February 15, 2005.

⁷⁰ Ibid.

⁷¹ Certain commentators suggested that placements for courses conducted in the United States tend to be reserved for the sons and nephews of police commissioners, who use them as a junket to visit America.

⁷² Author interviews with U.S. Department of State officials, November 2004.

public.”⁷³ Finally, Pakistani justice officials deride the police’s critically low organizational investigative ratio, which currently stands at just 12 percent (that is, 12 percent of the officers are capable of undertaking substantive investigative activities).⁷⁴

Statutory problems have also prevented the comprehensive implementation of certain assistance programs. This has been most evident in efforts to establish a rigorous regime for countering terrorism financing. Although Pakistan has been singled out to have high priority in receiving this support—not least because of the presence of al Qaeda and other foreign jihadists who are widely believed to be transferring funds on the back of the state’s informal, cash-based *hawala* system—very little progress has been made in actually instituting key schematic initiatives such as the creation of a dedicated Financial Intelligence Unit (FIU).⁷⁵ This lack of progress is largely due to the fact that Islamabad has neither signed the United Nations Convention for the Suppression of the Financing of Terrorism nor passed an adequate suite of fiscal legislation that meets international standards.⁷⁶ Until this occurs, moves

⁷³ ICITAP Project Overviews for Pakistan. DOJ officials assert that low salaries have led graft to emerge almost as an institutional practice to augment the personal incomes of police officers, as well as a means to generate revenue to cover the operating expenses of the police services.

⁷⁴ The comparative figure for more-developed countries is well over 60 percent. The majority of police in Pakistan are constables who lack the skills and expertise necessary to engage in professional investigative pursuits.

⁷⁵ Author interview with U.S. Department of State officials, November 2004. See also Bureau for International Narcotics and Law Enforcement Affairs, “Bilateral Activities,” in *International Narcotics Control Strategy Report 2005*, available at <http://www.state.gov/g/inl/rls/nrcrpt/2005/vol2/html/42384.htm>; and Paul Simons, “Starving Terrorists of Money: The Role of the Middle East Financial Institutions,” testimony before the House Subcommittee on International Terrorism and Non-Proliferation and the House Financial Services Subcommittee on Oversight and Investigations, Washington, DC, May 4, 2004, available at http://www.house.gov/international_relations/109/sim050405.pdf.

⁷⁶ Among the key benchmarks are those established by the Financial Action Task Force, a 33-member body established to promulgate international anti-money-laundering and counterterrorism financing standards. For more information, see Maurice Greenberg and Malory Factor, *Update on the Global Campaign Against Terrorist Financing: Second Report of an Independent Task Force on Terrorist Financing Sponsored by the Council on Foreign Relations*, June 15, 2004, available at http://www.cfr.org/pdf/Revised_Terrorist_Financing.pdf.

to provide more concerted support will necessarily have to remain, as one State Department official put it, “on the back burner.”⁷⁷

U.S. Development and Implementation Challenges

Officials in both the United States and Pakistan have highlighted several problems in the way U.S. assistance programs have been developed and implemented. First, programs have been formulated in an ad hoc fashion and proceed in the absence of a wider integrative framework. As a result, the effectiveness of most initiatives has tended to be determined on an individualistic rather than a comparative basis. This has necessarily compounded difficulties associated with ascertaining the relative utility of specific components of U.S. support.⁷⁸

Second, the bulk of American assistance has been unidimensional, emphasizing hard security but with scant regard for wider (and just as critical) civic outreach programs designed to ameliorate underlying drivers for militant extremism.⁷⁹ Although USAID is moving to address certain socioeconomic externalities that are believed to contribute to popular malaise in Pakistan, alienation, and frustration (caused by factors such as poverty, unemployment, and lack of adequate housing/education),⁸⁰ modalities for establishing robust structures of community-based policing—which are vital to the institution of any

⁷⁷ Author interview with U.S. Department of State official, November 2004. It should be noted that Pakistan has enacted specific money-laundering provisions (which are contained under Articles 11J and 11K of the country’s 1987 Anti-Terrorism Act). However, these are not considered to meet the requirements of the Financial Action Task Force, as noted above.

⁷⁸ Author interview with U.S. Department of State official, November 2004.

⁷⁹ Washington’s overall bias toward hard security is further reflected in the fact that half of the U.S. support to Pakistan takes the form of foreign military sales (FMS) instituted through the Pentagon. These amount to roughly \$300 million a year (author interview with U.S. Department of State official, November 2004). See also *The National Commission on Terrorist Attacks upon the United States, the 9/11 Commission Report*, New York: W. W. Norton, 2004, pp. 367–369.

⁸⁰ For more on the utility of socioeconomic tools as part of a broader counterterrorist strategy, see Kim Cragin and Peter Chalk, *Terrorism and Development: Using Social and Economic Development to Inhibit a Resurgence of Terrorism*, Santa Monica, CA: RAND Corporation, 2003.

effective system of local law enforcement—have yet to feature prominently in the scope and parameters of current U.S. assistance.⁸¹

Third, the Bush administration has tended to focus the majority of its counterterrorism assistance on enhancing border security, primarily along Pakistan's northern and western frontiers with Afghanistan. Although this region is undoubtedly an important point of infiltration for al Qaeda and Taliban militants, it is not the only zone of concern. Indeed, according to Pakistani intelligence officials, who arguably have the most complete picture of the current workings of the jihadist network in South Asia, since the army's 2004 incursions into South Waziristan, the problem has steadily shifted to the country's hinterlands as well as large towns and major cities such as Quetta, Lahore, and especially Karachi. The direction of Washington's counterterrorism assistance has not kept pace with these developments. A case in point is the Ministry of Interior's highly publicized airwing. Under the (American-prepared) terms of reference for its use, aerial assets are restricted to carrying out reconnaissance duties within the vicinity of Pakistan's western border with Afghanistan and Iran,⁸² which already has a substantial security force presence. As several Ministry of Interior officials pointed out, the unit would be far better employed assisting with surveillance along the Makran coast and the remote interiors of Baluchistan (where 95 percent of the territory does not have a police presence) and Sindh provinces.⁸³

⁸¹ Author interviews with Ministry of Interior and Ministry of Foreign Affairs officials, January 2005.

⁸² It should be noted that some U.S. officials justify this decision not so much on counterterrorism grounds, but rather on the need to ameliorate concerns in Delhi that the airwing will be used to carry out surveillance along the India-Pakistan border (author interviews with U.S. Embassy officials, January 2005).

⁸³ Author interviews with Ministry of Interior and Ministry of Foreign Affairs officials, January 2005. Officials in Pakistan also pointed out a number of logistical problems with the airwing, namely that most of the equipment comes from the United States (which has created an inefficient and excessively long maintenance tail) and that there is a general lack of maintenance infrastructure on the ground—including such basic items as aircraft hangars and a proper workshop.

Fourth, questions have been raised over certain aspects of U.S. counternarcotics assistance. Officials in Pakistan's ANF point out three main problems with programs as currently instituted:⁸⁴

- Washington is allocating too much counternarcotics assistance to Afghanistan, which lacks the infrastructure to effectively absorb this support, and not enough to the six Asian containment states that could do so.⁸⁵
- U.S. policies are largely based on a simplistic, monocausal interpretation of the drug problem, namely, that success is contingent merely on interdiction and curtailing supply in source countries.⁸⁶
- The FC has not received support commensurate with its importance as the only force currently able to deal with internal law and order and counternarcotics in the immediate vicinity of the Afghan-FATA border area.⁸⁷

Finally, there are various areas that the United States is not addressing in terms of its law enforcement support to the Pakistani government. These include, *inter alia*, programs to assist with (1) rehabilitating Pakistani jihadist returnees from Afghanistan, (2) investigating the white-collar components of syndicated criminal activities, and (3) suppressing human trafficking and illicit-commodity smuggling.

⁸⁴ Author interviews with ANF officials, January 2005.

⁸⁵ According to ANF, the United States is planning on earmarking some \$780 million to support counternarcotics activities in Afghanistan (compared with an annual allocation of only \$0.7 million to Pakistan). Most of this money will be invested in the Counter-Narcotics Directorate and Counter-Narcotics Police Agency, both of which are highly nascent and whose effectiveness has yet to be proven. Officials also point out that there is, as yet, no standardized system of criminal penalization for drugs in Afghanistan, meaning that there is no legal recourse for taking the law to its final conclusion in narcotics cases.

⁸⁶ By contrast, ANF lauds the United Kingdom's approach to countering narcotics, which, in the opinion of one senior official, is more complex, multidimensional, and long-term in nature. The British currently take the lead in instituting drug assistance to Pakistan, particularly in Baluchistan, where more than 1 million British pounds has been made available.

⁸⁷ While the United States has provided training and communications equipment to the FC, no explicit package of support has been made available. The ANF believes this is a serious problem, not least because it is impossible for the Pakistani state to institute a concerted counternarcotics program in the tribal areas without the support of the FC.

Impact of U.S. Assistance on Human Rights

Pakistan's law enforcement community has been accused of a variety of human rights abuses. According to a 2004 State Department report, "Prison conditions remained extremely poor, and police arbitrarily arrested and detained citizens. . . . [There] were [frequent claims] of central government intimidation against journalists, and provincial and local governments occasionally arrested journalists and closed newspapers."⁸⁸ The country's judiciary system is also deemed to be significantly lacking in credibility, a view buttressed by the Human Rights Commission of Pakistan (HRCP), which contends that torture is used extensively by both police and prison officials. HRCP notes, astonishingly, that in 2004, no officials were punished for engaging in such excesses, despite their own documentation that these practices routinely took place. HRCP further alleges that instances of illegal detention occur on a relatively regular basis and that most of them go unreported.⁸⁹

The Pakistani army has also been the subject of concern. The military stands accused of supporting militant elements in Kashmir who have been involved in gross human rights violations,⁹⁰ as well as repressing the legitimate claims of Punjabi farmers to the province's fertile land. Human Rights Watch claims that agricultural producers and workers "have been subjected to a [systematic] campaign of killings, arbitrary arrest, detention, torture, 'forced divorces,' and summary dismissals from employment." The organization further alleges that on at least two occasions, paramilitary forces besieged villages in

⁸⁸ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, *Supporting Human Rights and Democracy: The U.S. Record 2003–2004*. See specifically the section on Pakistan, available at <http://www.state.gov/g/drl/rls/shrd/2003/31023.htm> (accessed November 28, 2005).

⁸⁹ For more information, see Human Rights Commission on Pakistan's website, specifically the sections on police torture (http://www.hrcp-web.org/pe_Police_torture.cfm), illegal detention (http://www.hrcp-web.org/pe_illegal_detention.cfm), and police encounters (<http://www.hrcp-web.org/encounters.cfm>).

⁹⁰ It should be noted that definitively establishing the direct involvement of military personnel in these excesses is difficult at best and is further complicated by the politically self-interested claims of the Indian government.

disputed areas and prevented the movement of people, food, and public goods and services into the areas for extended periods of time.⁹¹

In theory, the Leahy Law could impose significant restrictions upon U.S. engagements with the Pakistani government's security infrastructure, given the security forces' track record on human rights. Although persons from the armed forces and civilian security forces are vetted before they can proceed with U.S. training that requires such vetting, in practice, the Leahy Law requirements have been significantly reduced by several factors that have particular salience to Pakistan.

First, both counterterrorism and counternarcotics training are exempt from the Leahy provisions, which is important, since much of Washington's current assistance to Islamabad falls under this combined rubric. Second, many of the abuses that occur in Pakistan are perpetrated by individuals, not units. Establishing the guilt of persons accused of engaging in particular violations would be very difficult under the best of circumstances, much less in an environment where the threat of recrimination against testifying victims remains both palpable and constant. Third, the State Department has yet to develop a comprehensive database to document and record human rights abuses in Pakistan against which persons and/or units scheduled for U.S. training can be vetted.⁹² Fourth, the perceived requirements and priorities of the GWOT have significantly complicated perceptions and definitions of what may in fact constitute a human rights abuse. As discussed below, the military operations in FATA provide a pertinent case in point. Because persons at State Department posts are responsible for creating the dataset of human rights abuses, these differing perceptions may limit the effectiveness and representativeness of the database. Finally, comprehensive vetting of Pakistani law enforcement personnel has been undermined by the general inability of U.S. Embassy officials to travel "off-post"—that is, outside Islamabad, Lahore, Karachi, and

⁹¹ See Human Rights Watch, "Soiled Hands: The Pakistan Army's Repression of the Punjab Farmers' Movement," *Human Rights Watch*, Vol. 16, No. 10(C), July 2004, available at <http://hrw.org/reports/2004/pakistan0704/> (accessed November 28, 2005).

⁹² As is discussed elsewhere in this report, a human rights database of this sort is under development.

Peshawar⁹³—to gain an accurate picture of what the security forces are actually doing on the ground. Moreover, since late 2001, U.S. tours of duty to Pakistan have been only one year in duration. While this is understandable given the arduous conditions in the country, such a brief time frame further limits the ability of U.S. officials to gain a thorough appreciation of Islamabad’s domestic environment and the credibility of the government’s justifications for its internal policing actions and reforms.

To better understand the extent to which U.S. programs have (or have not) contributed to the professionalization of Pakistan’s internal security forces and helped with the creation of an environment that is conducive to good governance, it is useful to examine three specific issues that have direct relevance to human rights and accountability in Pakistan: (1) U.S. efforts to reform the country’s police; (2) the nature of Islamabad’s counterterrorist operations in FATA, which have been prosecuted on the basis of highly questionable colonial-era legislation; and (3) Washington’s singular concern with shoring up the position of the Pakistani military.

Pakistan’s Willingness to Undertake Reforms

As noted, U.S. efforts to help professionalize Pakistan’s police forces are largely contingent on the Pakistani government’s own willingness to revamp the country’s law enforcement structure. The Musharraf government made an apparently decisive move in this direction when it introduced the 2002 Police Order Act (POA). The POA not only included a number of important oversight and accountability mechanisms to review cases of alleged police misconduct (such as the creation of an independent citizens’ complaint board), it also attempted to minimize openings for undue political interference by instituting a transparent and robust system for determining individual promotions and operational assignments.⁹⁴ The legislation was never promulgated,

⁹³ Extensive movement by U.S. Embassy officials outside Islamabad has been precluded largely by the adverse security environment that exists throughout much of the country.

⁹⁴ This aspect of the POA was viewed as especially significant, not least because police in Pakistan have tended to act as the hired “henchmen” of prevailing political leaders or important local figures or families.

however, and in 2004, the federal parliament passed a greatly revised version of the Act, a central feature of which is a statutory provision to make the police accountable to the lowest level of elected officialdom, the Nazim.⁹⁵

While as of the time of this writing, no version of the POA has become law, the Musharraf government has supported the new version on two interrelated grounds. First, the amended order links police reform to President Musharraf's general policy of devolving central government power to the periphery, a move that the United States supports.⁹⁶ Second, in stressing the role of the Nazim, the legislation will ultimately make the police more accountable to local elected bodies, which, at least in theory, are supposed to be independent and free of party influence.

Opponents of the new legislation (who are numerous and include both retired senior police officers and members of human rights groups), however, question the sincerity of Musharraf's devolution agenda, arguing that it is simply designed to entrench the military's dominance over civilian affairs by further marginalizing Pakistan's embattled mainstream political parties—the Pakistan People's Party (PPP), led by Benazir Bhutto, and the Pakistan Muslim League (PML), led by Nawaz Sharif.⁹⁷ Critics also express deep ambivalence over the impact of statutorily placing law enforcement under the purview of the Nazim, contending that this provision will, in fact, make it more difficult for police to operate on behalf of the citizens and will provide an

⁹⁵ See Afzal A. Shigri, "Institutionalizing Political Interference in Policing," *The News*, Pakistan, December 8, 2004.

⁹⁶ See Assistant Secretary Christina Rocca, "United States Interests and Foreign Policy Priorities in South Asia," testimony before the U.S. House of Representatives Committee on International Relations, June 22, 2004, available at http://www.house.gov/international_relations/108/roc062204.htm.

⁹⁷ Both the PPP and the PML have been barred from participating in national elections since Musharraf's assumption of military power in 1999 (which was justified on the grounds that Pakistan's civilian political leaders were both corrupt and inept). For a critique of this devolution plan, see International Crisis Group, *Devolution in Pakistan: Reform or Regression?* Asia Report No. 77, Brussels, Islamabad, March 22, 2004.

even greater incentive for officers to function as the personal thugs of local politicians.⁹⁸

This ongoing debate is important in terms of the potential impact of U.S. law enforcement assistance to Pakistan. Conversations with State Department and Justice Department officials suggest that U.S. agencies have—at best—a superficial grasp of Musharraf's devolution plan and tend not to appreciate the general consensus in the country that this scheme will merely create a new class of politicians beholden to the army and the present ruling regime. In short, there is no widely held confidence that tying police reform to local governance will produce meaningful change and/or will lead to greater civil accountability within the Pakistani law enforcement community (as is believed in Washington).⁹⁹ It is critical that U.S. officials understand the contours of these concerns and carefully consider the question of whether assistance will further entrench military rule rather than provide a fresh impetus to democracy.

While Washington's support for police reform—even in the context of devolution—is not likely to have directly negative consequences for human rights, there is little prospect that it will generate a meaningful return on investment if the Pakistani government is not fully committed to enacting a concerted and genuine reform process of its own. More specifically, U.S. aid may have only a marginal (if, indeed, any) effect in terms of eliciting a more professional and effective policing structure that is truly responsive and answerable to the civilian needs of the country.

Military Operations in FATA

The heavy slant of U.S. assistance toward the Afghan-Pakistan border has played an important role in facilitating military incursions into

⁹⁸ Author interviews with currently serving Pakistani police officials and independent scholars, January and June 2005.

⁹⁹ For critical accounts of local governance, see the International Crisis Group, *Pakistan's Local Polls: Shoring Up Military Rule*, Asia Report No. 43, Brussels, November 22, 2005, available at <http://www.crisisgroup.org/home/index.cfm?id=3799&l=1> (accessed November 28, 2005); and International Crisis Group, *Devolution in Pakistan: Reform or Regression?* available at <http://www.crisisgroup.org/home/index.cfm?id=2549&l=1> (accessed November 28, 2005).

FATA, the nature of which has prompted numerous discussions about the relationship that FATA has with the rest of the nation—specifically, why residents in this part of the country do not enjoy the same rights and privileges as Pakistanis elsewhere.

One particular point of controversy has centered on the army's adroit use of the colonial-era Frontier Control Regulation (FCR) to prosecute the 2004 offensives that were undertaken to root out foreign jihadist elements in Waziristan.¹⁰⁰ A defining feature of this legislation is its sanctioning of such draconian punishments as home demolition, the seizure of businesses, and the forfeiture of other properties and assets. Because the FCR enshrines the notion of collective responsibility, these punitive measures can be brought to bear not only against transgressors, but also against fellow tribesmen and family members who are ostensibly innocent of any crime.¹⁰¹ The military and the FC conspicuously employed this concept of extended punishment as an integral component of the 2004 operations in the hope that it would motivate local tribesmen to hand over al Qaeda and Taliban members to the authorities.

Many Pakistanis have questioned the right of the state to detain innocent individuals and demolish their homes, with some commentators going so far as to compare these actions with those of Israel in Gaza and the West Bank.¹⁰² Prominent human rights groups such as Amnesty International have also vigorously criticized the 2004 operations, rejecting their legislative basis as wholly incompatible with stan-

¹⁰⁰ Civil rights advocates in Pakistan also highlight the fact that political parties are not permitted in FATA, the fact that the tribal belt has no provincial representation in Parliament, and the all-encompassing power of tribal chiefs (*maliks*), who act as both judge and jury for any person accused of committing a crime. For additional information, see Azmat Hayat Khan, "FATA," in Pervaiz Iqbal Cheema and Maqsood Hasan Nuri (eds.), *Tribal Areas of Pakistan: Challenges and Responses*, Islamabad: Islamabad Policy Institute, 2005.

¹⁰¹ Notably, this is mentioned in U.S. Department of State, Bureau of Democracy, Human Rights and Labor, "Pakistan Country Report on Human Rights Practices—2004," February 28, 2005, available at <http://www.state.gov/g/drl/rls/hrrpt/2004/41743.htm>.

¹⁰² For an example of the kinds of debate these military operations engendered, see the series of entries under "Military Operations in FATA" on PakDef.Info.com, a Pakistan defense blog and website, available at <http://www.pakdef.info/forum/showthread.php?t=5599>. The comparison with Israel was astonishing given the deep hostility toward the Jewish state and the pervasive antisemitism in Pakistan.

dard notions of international law and justice.¹⁰³ Although the United States has similarly recognized the legal disconnects stemming from collective responsibility,¹⁰⁴ Washington has not moved to make provision of its security assistance contingent on the suspension of this practice, justifying the decision on the grounds that it is necessary for the effective implementation of the GWOT. The offensives in FATA thus highlight the tradeoffs that the United States has made in Pakistan between political expediency and other, wider goals that it claims to espouse, such as democracy.

The Singular U.S. Focus on Musharraf and the Pakistani Army

Although U.S. assistance to Pakistan is ostensibly divided between economic and military support, the main thrust of Washington's backing has been toward bolstering the armed forces of the incumbent Musharraf regime. This focus is regarded as critical both to shoring up an important ally in the GWOT and to preventing a radical destabilization of the world's only nuclear-armed Islamic state. Many in Pakistan argue that this singular bias toward consolidating the position and power of the military will have deleterious effects on the country's civil society and ability to develop robust processes of democracy, good governance, and human rights.¹⁰⁵

The record of Pakistan's security forces in instrumentalization of proxy forces in Indian-administered Jammu and Kashmir (J&K) is often highlighted as testament to the questionable wisdom of directly supporting a military regime. It is a well-accepted and documented fact that both the army and the ISI (which is staffed by senior army

¹⁰³ See Amnesty International, "Human Rights Abuses in the Search for al-Qa'ida and Taleban in the Tribal Areas," April 1, 2004, available at <http://web.amnesty.org/library/index/engasa330112004>. As noted, U.S. agencies also expressed concern about these operations.

¹⁰⁴ See, for instance, U.S. Department of State, Bureau of Democracy, Human Rights and Labor, "Pakistan Country Report on Human Rights Practices—2004."

¹⁰⁵ Author fieldwork in 2003, 2004, and 2005. This issue is also addressed at length in C. Christine Fair, "Islam and Politics in Pakistan," in Angel Rabasa (ed.), *The Muslim World and the United States After 9/11 and the Iraq War*, Santa Monica, CA: RAND Corporation, 2004; and C. Christine Fair and Karthik Vaidyanathan, "The Practice of Islam in Pakistan and Islam's Influence on Pakistani Politics," in Rafiq Dossani and Henry Rowen (eds.), *Prospects for Peace in South Asia*, Palo Alto, CA: Stanford University Press, 2005.

officers) have been at the forefront of fostering jihadist extremism and insurgency in Indian-administered Kashmir and that this has been a major factor in the human rights crisis that has persisted in the disputed region since 1989. (It is very important to note that Indian security forces are culpable for many human-rights violations in J&K as well. These violations by Indian agencies arise in the context of the counter-insurgency grid that the government has amassed to counter the Pakistan-backed insurgency in J&K.¹⁰⁶) Advocates of democracy maintain that these activities alone should prompt some reflection about the current U.S. relationship with Pakistan and the manner by which the United States allocates its security assistance to the central government.¹⁰⁷

Conclusion

Pakistan is one of the principal recipients of U.S. security support, reflecting the key importance Washington attaches to the country as a frontline state in the GWOT. If sustained, this aid should help Pakistan lay the foundation for a more robust and effective policing and criminal justice infrastructure to deal with the myriad threats it presently faces. However, as this chapter has highlighted, the true potential of U.S. backing is being hindered by limitations in Pakistan's absorptive capacity, as well as by implementation problems with respect to the actual institution of the American assistance package—in terms of both coverage and wider considerations of good governance and human rights.

¹⁰⁶ For the most current and comprehensive account of human rights violations on both sides of the line of control by both Indian and Pakistani security forces as well as the various militant organizations and civilian vigilante groups, see Human Rights Watch, *“Everyone Lives in Fear”: Patterns of Impunity in Jammu and Kashmir*, New York, September 2006.

¹⁰⁷ For a critique of Pakistan's army in the ongoing sanguineous violence in Kashmir, see Selig S. Harrison, “Peace and Human Rights in Kashmir,” testimony presented to the Subcommittee on Human Rights and Wellness, Committee on Government Reform, U.S. House of Representatives, May 12, 2004, available at <http://reform.house.gov/UploadedFiles/House%20Testimony%20of%20Selig%20Harrison.pdf>.

One of the prime challenges for the United States as it seeks to further define future policy toward Pakistan, therefore, is how best to support the nascent moves that have been made to enhance and fortify the state's criminal justice infrastructure. Such support will be necessary both in the context of America's own security assistance efforts and—because Washington cannot be expected to take full responsibility for funding law enforcement reform across the board—and in its dealings with government officials in Islamabad. Several steps can be taken:

- High-priority areas should be identified and delineated in terms of likely cost-effectiveness per unit dollar spent, determined on the basis of both hard security and wider civil-governance prerogatives.
- A comprehensive, long-term program of internal security development should be mapped out and used to guide future investments in counterterrorism, crime-fighting, and wider democracy and civil-institution-building initiatives.
- Approaches should be made to other interested stakeholders, including the Gulf Cooperation Council (GCC) and Saudi Arabia, to share the responsibility of law enforcement assistance to Pakistan; this would not only offset the burden of bilateralism, it would also help to reduce the risk that support is being provided purely to advance American interests.
- A concerted, high-level lobbying effort should be directed at the Musharraf government to (1) encourage it to move toward a more balanced (fiscally and operationally) and accountable internal-external national security interplay, and (2) impress on it that the United States is committed to the long-term development of Pakistan and will remain a fully involved partner.¹⁰⁸

¹⁰⁸This could take place under the auspices of the JWG-CTLE, which was inaugurated in Washington, DC, in May 2003. Main issues covered at the forum's initial meeting included counternarcotics, counterterrorism, extradition, money-laundering, human trafficking, reducing demand for illegal substances, alternative development, poppy eradication, and police and legal system reform. For further details, see U.S. Department of State, International Information Programs, "U.S.-Pakistan Joint Group on Counter-Terrorism Meets," May 8, 2002.

Ensuring a viable, strong, and democratically accountable internal security structure in Pakistan has significant policy implications. Specifically, it is critical to mitigating a diminution of state authority and stemming the associated emergence of a militant-criminal anarchy. The United States has a major stake in ensuring against such a scenario for at least three reasons.

First, the fate of Afghanistan is intrinsically linked to that of Pakistan. Should the latter collapse, policies aimed at stabilizing and rehabilitating the former will almost certainly fail. Second, a major surge of lawlessness and anarchy within Pakistan would have profound effects on regional and international stability, bringing into question overall command and control of the country's nuclear arsenal and possibly leading to a major increase in terrorist, weapons, and narcotics outflows throughout South Asia as well as to Western Europe and North America. Third, the continued strong undercurrent of Islamist militancy and criminality in Pakistan has been a major factor in exacerbating bilateral tensions with India, particularly over the contentious issue of Kashmir. More-effective institutions for tracking, detaining, and ultimately bringing to justice terrorists, drug syndicates, and other subversives implicated in cross-border activities would undoubtedly help to stabilize government-to-government contacts with Delhi. Over the longer term, this could provide the necessary baseline of trust for the development of a more active program of economic and cultural cooperation in which conflicts are less likely to assume unwarranted significance on the bilateral agenda.

Conclusion

Few would disagree that internal security forces should be judged by their ability to respond effectively to terrorist organizations, insurgents, criminal groups, and other security threats that fall within their area of responsibility. In the interest of long-term sustainability, however, they must also be judged by their accountability and human rights practices. The goals of effectiveness, accountability, and human rights are interlinked and mutually reinforcing.

The United States has long struggled with the tradeoffs inherent in working with repressive regimes. During the Cold War, the global struggle against the Soviet Union led the United States to provide internal security assistance to numerous repressive regimes. However, this practice eventually triggered a domestic backlash, leading Congress to adopt Section 660 of the Foreign Assistance Act of 1974. It prohibited the United States from providing internal security assistance to foreign governments and specifically stated that the U.S. government could not “provide training or advice, or provide any financial support, for police, prisons, or other law enforcement forces for any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad.”¹ Despite the existence of Section 660, the United States has increasingly provided internal security assistance to repressive regimes in the aftermath of September 11, 2001. In virtually all of these cases, the main objective of U.S. assistance has been to support America’s global

¹ *Legislation on Foreign Relations Through 2000*, pp. 338–339; Perito, *The American Experience with Police in Peace Operations*, pp. 18–19.

war on terror. Over the course of these efforts, some have argued that assistance to repressive regimes is never justified, fails to foster reform, and frequently has the unintended consequence of strengthening the regimes themselves. Others have argued that such aid is often the only way to foster reform and can provide the necessary leverage to make reform viable. In addition, such assistance may be critical in countries in which there are national security threats to the United States, such as terrorist groups. Failing to bolster the capacity of internal security forces to counter terrorist groups would threaten U.S. security.

The questions faced by the United States today are similar to those it faced in previous generations. How can the United States improve the effectiveness, accountability, *and* human rights practices of repressive governments? What is the relationship between improving security and improving accountability and human rights? How difficult is it to reconcile near-term security needs with accountability and human rights goals?

Case Study Findings

The examination of a small sample of four cases—El Salvador, Uzbekistan, Afghanistan, and Pakistan—allows us to draw only limited conclusions about U.S. security assistance to repressive and transitioning regimes. However, the lessons gleaned from these cases do permit us to develop useful recommendations for both future research and policy in this area. We begin by discussing key findings from each case, along with some recommendations for U.S. government policy. Then we outline our broader conclusions and recommendations.

El Salvador

The El Salvador case is interesting both because it provides the opportunity to examine a completed cycle of assistance and because it was at least partially successful. U.S. assistance helped improve the accountability and human rights practices of the Salvadoran police after the Chapultepec Accords, but it did not improve police effectiveness, as violent crime rates soared in the late 1990s.

The Justice Department and the U.S. military played a useful role in helping dissolve the three military-controlled internal security forces that had reputations for human rights abuses: the National Guard, the Treasury Police, and the National Police. It replaced them with a single new police force, the National Civilian Police, which established a doctrine that emphasized human rights and civilian leadership. This success was possible because of some buy-in from Salvadoran political leaders, institutional development, and significant pressure from the United States, the UN, and other governments. However, a decline in torture and extrajudicial assassinations was accompanied by an increase in crime rates, including the rate of violent crime, which the local police were unable to stem. The rise in crime was due to three interrelated factors. The first was the demobilization of thousands of former soldiers, policemen, and guerrilla combatants. Second, reintegration efforts failed to secure these combatants with sustainable jobs, due primarily to high unemployment. Third, there were too few remaining Salvadoran internal security forces available to deal with the criminal activity, and there were almost no international soldiers or civilian police to assist them. The turnover of entire investigative units meant that networks of informants, cases, and analysis had to be reconstructed quickly.

The failure to improve the effectiveness of the Salvadoran police demonstrates that human rights and effectiveness must go hand in hand. Both are critical in establishing a viable police and internal security force.

Uzbekistan

The Uzbek case is a complicated one, because of the political situation in Uzbekistan and the broad range of U.S. interests and goals in the war on terrorism. The effectiveness of internal security assistance to Uzbekistan has been decidedly mixed. Although some programs appear to have borne fruit, others have little to show even after considerable effort. The most effective programs have been those in the areas of counterproliferation, export control, and specific investigatory techniques. These successes can be traced to the following key factors:

- **Time.** Generally speaking, the programs that have been most successful are the longest-standing ones—in particular, counterproliferation and export control.
- **Leverage.** Counterproliferation and export control efforts began at a time when the Uzbek government was particularly eager for U.S. support and was thus willing to accept more conditions in exchange for U.S. friendship.
- **Practical application.** Programs that have had clear and practical application (e.g., counterproliferation and export control assistance) have also been the most effective. More recent efforts to impart specific skills and techniques, such as explosives investigation assistance, have also reportedly been successful.

In keeping with our conclusion that improvement is possible even in environments that are not generally conducive to reform, it appears that the United States has had a positive impact in several areas:

- Raising awareness of transparency, accountability, and human rights in Uzbekistan (at least raising awareness that these issues matter to many donor countries).
- Potentially improving actual practices on the part of individuals and some units, at least at the margins. For example, there are few reports of consistent problems with the border guards, a security component that has received significant U.S. assistance over time.
- Improving the legal framework. Some Uzbek laws and regulations have been amended to reflect international norms.

However, the record of improving accountability, transparency, and respect for human rights in Uzbekistan is disheartening. Recent years have seen increased autocracy and repression by Uzbek officials and internal security forces, including counterterrorism units. Consequently, U.S. counterterrorism assistance to Uzbek internal security forces must be questioned. Recently, U.S. relations with Uzbekistan have deteriorated significantly, so the United States may have fewer options for proceeding there. But insofar as it does have options, the

United States should take steps now to protect and seek to continue some forms of assistance, even as it puts an end to others. Specifically, the United States should end or significantly reduce assistance in areas where it has not achieved positive results:

- U.S. counterterrorism cooperation with Uzbekistan should be “fire-walled” from assistance to Uzbek units and structures that are responsible for suppressing political dissent (which are often housed under the counterterrorism rubric), or it should be ended.
- DEA programs for Uzbekistan should be reformulated to incorporate incentives to ensure that the work can have a positive impact on broader law enforcement structures.
- Any continuing or resumed assistance in the criminal justice sector should place a greater emphasis on implementation. If laws and legislation do not translate into better conditions for Uzbek citizens, the argument that they create a better environment in and of themselves becomes less credible.

In areas where the U.S. government has a pressing national security need to cooperate with Uzbek internal security forces, such as the counterterrorism divisions of the police, cooperation could continue through the exchange of information. But assistance should be terminated, except in cases where assistance programs advance U.S. security needs and do not undermine other goals. The best examples of such programs are the counterproliferation efforts. These programs also serve the purpose of maintaining a dialogue and relationship based on mutual interests when other areas of cooperation dwindle.

If the United States seeks to improve human rights, accountability, and effectiveness—and assistance continues—the focus should be on some key and practical areas:

- Investigative techniques and oversight for internal investigations, such as those of cause of death in custody.
- Implementation of justice-sector reforms.

Absent a change of government, the United States should not expect significant results in Uzbekistan. And even with a change of government, practices and habits will be hard to break. If the atmosphere does prove conducive, however, the United States should be prepared to assist a future Uzbek regime to create an effective, transparent, and accountable police force.

Afghanistan

U.S. assistance has somewhat helped improve the accountability and human rights practices of Afghan forces. The vast majority of serious human rights abuses in the country are committed by insurgent groups and warlord militias. However, we found little evidence that the United States or other international actors improved the effectiveness of Afghan government internal security forces. These forces have been unable to stabilize the deteriorating security environment or to stem the rampant drug trade. Some progress was possible because the United States and other countries helped build a new Ministry of Interior, and they encouraged some reforms in the broader context of political change. This opportunity was in many ways unique to the Afghanistan situation, which involved a post-conflict environment.

Despite the modest successes of its assistance programs, the United States should not take for granted either the capacity of Afghanistan security forces or their accountability and continuing respect for human rights. These areas must remain a major focus, and progress must be continuously monitored, since the development of sustainable, effective, and accountable structures will take time. In addition, the United States, other governments, and NGOs should push ahead on at least three fronts:

- **Seeking transitional justice.** Justice should be sought for past Afghan human rights abuses. A truth commission is a potentially viable option, assuming it can achieve at least two important objectives: (1) to credibly demonstrate that previous patterns of abuse and impunity are reprehensible, and (2) to include meaningful domestic capacity-building in the justice system as part of the process.

- **Removing warlords from power.** Efforts to remove from power warlords, regional commanders, and organized criminal groups that pose a threat to security and human rights norms should be increased. These elements remain strong throughout the country, although the Afghan government has made progress in curbing the power of some of them. They could be removed from power through a combination of co-option and enforcement.
- **Reforming the justice system.** Efforts should be made to encourage greater reform of Afghanistan's justice system. An ineffective justice system will weaken efforts to reform Afghanistan's internal security system and to combat the drug trade. An incompetent judiciary, corruption, and decrepit prison conditions will undermine whatever benefits come from better policing.

Pakistan

We found little evidence that the U.S. government has paid significant attention to improving the accountability and human rights practices of Pakistan's internal security forces. U.S. agencies working in Pakistan place different amounts of emphasis on these goals. Moreover, the Pakistani army has responded to U.S. pressure to conduct military operations near the Afghan-Pakistani border by imposing highly draconian punishments such as home demolition, the seizure of businesses, and the forfeiture of other properties and assets. This may have long-term negative repercussions for good governance and human rights in Pakistan.

U.S. cooperation with Pakistan clearly serves important security interests as defined by the U.S. war on terrorism. U.S. priorities have focused on the specifics of counterterrorism and, as a component of it, securing the Musharraf regime. It is less clear, however, whether American assistance has helped ameliorate other law enforcement challenges confronted by Islamabad—in large part, because these have not been considered to have high priority. Indeed, the United States and Pakistan have largely deferred efforts to improve the accountability and human rights practices of Pakistan's internal security forces. This suggests that U.S. officials should consider altering assistance programs to encompass general issues of effectiveness *and* accountability in Paki-

stan. Some significant changes to programs may be called for. It would be in the interest of U.S. agencies and departments involved in internal security assistance to Pakistan to consider the long-term implications of their ongoing programs and efforts.

General Findings and Recommendations

Our case studies and the historical evidence demonstrate that assistance to internal security forces is not able to improve accountability and respect for human rights in organizations that are resistant to change. There is, however, some anecdotal evidence that such efforts can lay the groundwork for future reform. For example, individuals trained through assistance programs can develop both an understanding of accountability practices and a respect for more transparent systems. Although these individuals may be unable to implement such practices in the near term due to the opposition of entrenched structures, they may be able to rise through the ranks to do so in the future. This was an argument from those who have provided assistance to Uzbekistan. The rise of U.S.- and European-educated technocrats to positions of authority has historically had mixed results. Some fall into the same corrupt practices that their predecessors maintained; others, however, have sought to implement reform. The examples of Ukraine and Georgia, where new governments peopled with Western-trained technocrats have recently come to power with strong reformist agendas, present fruitful lessons.

Based on the analysis undertaken in this study, we have identified five key areas that bear closer examination regarding current and future U.S. assistance to the internal security forces of repressive and transitioning regimes.

Duration and Design

Reform is difficult under the best circumstances. Even in organizations that are amenable to change, long-term assistance does not guarantee success in improving the effectiveness and accountability of domestic security agencies. That said, early withdrawal of aid generally assures

failure. Duration is critical for a number of reasons. First, it can take years to train, equip, and mentor police and other internal security forces, change police culture, and build infrastructure. Second, institutionalization of new structures takes time, as new generations ingrained with the concepts of transparency and accountability come to power, replacing those that took responsibility for reform.

There are also some specific forms of assistance that can foster reform by supporting and improving accountability and human rights. Providing the equipment and skills that make accountability and transparency possible is a prerequisite for success and can help bolster support for reform. Such assistance also enables senior, middle-level, and low-level officials to see how transparency, accountability, and respect for human rights can be implemented. Training on how to conduct forensic, crime-scene, and cause-of-death investigations and the provision of equipment that monitors borders to ensure that border guards behave appropriately can be effective in fostering reform—although forensic training can backfire if not accompanied by appropriate oversight mechanisms. Our preliminary analysis—especially the Uzbekistan case—indicates that programs that focus on developing specific skills may be effective even in environments that are not particularly favorable for reform.

Justice System

Reform of police and other internal security forces is not sufficient to ensure security, accountability, and human rights. Without a viable justice system, including courts and prisons, police cannot be effective. The justice sector also plays a crucial role in human rights. For example, a strong judicial system can help end the use of torture by rejecting coerced confessions in criminal cases. In addition, education and training are insufficient; the appropriate structural and institutional mechanisms must be put in place to ensure oversight and accountability. These mechanisms include Inspector Generals' offices and improved management, personnel, and financial processes. Robust institutional development programs are critical to creating lasting change in the culture of internal security agencies.

A Conducive Environment

Viable reform needs the support of the local government. In Afghanistan and El Salvador, some improvement in the human rights practices and accountability of internal security forces was possible because the atmosphere was at least partly conducive to reform. Sustained and committed leadership by top policymakers, including Ministry of Interior officials, is critical to improving the effectiveness, accountability, and human rights practices of police and internal security forces. This is one of the most frequently repeated lessons of the “change management” literature.² It applies to any police and security reform effort, from operational strategies to human rights behavior. Significant reform cannot be brought about from below against the indifference or hostility of senior managers. When political will for change and reform has been lacking, U.S. police training programs have had little or no success. This lesson is clear from Uzbekistan and Pakistan. The key to changing any aspect of policing is management. Managers at all levels must create the conditions that encourage, facilitate, and sometimes force people to do what is desired. This frequently involves developing appropriate programs of recruitment, training, promotion, resource allocation, supervision, research and evaluation, reporting, and work routines. Police and other internal security organizations must be made to work *with* reform rather than against it.³ Organizational change does not occur through changes of personnel; it requires changing the system and culture of an organization.⁴

Although they are far from easy to affect, post-conflict environments are often the most conducive settings in which to bring about changes in the system and culture of internal security bodies, for at least two reasons. First, they frequently provide a “window of oppor-

² Jerome H. Skolnick and David H. Bayley, *The New Blue Line: Police Innovation in Six American Cities*, New York: The Free Press, 1986; Malcolm K. Sparrow, Mark H. Moore, and David M. Kennedy, *Beyond 911: A New Era for Policing*, New York: Basic Books, 1990.

³ Michael R. Chatterton and M. Rogers, “Focused Policing,” in Rod Morgan and David J. Smith (eds.), *Coming to Terms with Policing: Perspectives on Policy*, New York: Routledge, 1989, pp. 64–81; Sparrow, Moore, and Kennedy, *Beyond 911*.

⁴ Jerome H. Skolnick and David H. Bayley, *Justice Without Trial*, New York: Macmillan, 1994.

tunity” to build or rebuild internal security forces from scratch, giving managers the opportunity and power to make significant reforms. In virtually all major post-conflict stability operations since World War II, internal security bodies—especially the police—have been partially or wholly rebuilt.⁵ Second, the United States and other external actors such as the UN usually have more leverage with senior managers in post-conflict environments. These external donors often provide significant amounts of assistance, which can be used both as a carrot to encourage reform and as a stick to enforce it. Disbanding repressive security forces and rebuilding from scratch can be a way to improve effectiveness, accountability, and human rights practices. But these opportunities are likely to arise only in post-conflict settings and in states that are in voluntary transition from autocracy to democracy, and they generally require substantial efforts from external donors. Major reform is extremely difficult even in these conditions, as the Afghanistan and El Salvador cases show. It is even more difficult in less-conducive environments, where leverage is more limited. This has important implications for the extent to which the United States can encourage significant reform in countries that are not in the midst of a post-conflict or democratic transition, such as Uzbekistan and Pakistan. In these cases, reform fostered through encouragement, pressure, and coercion can help establish support at senior and middle levels, but a hostile environment makes reform a much greater challenge.

Knowing When to Quit

U.S. assistance to internal security forces in states with repressive regimes should be withdrawn or significantly restructured if these forces fail to improve accountability, human rights, and effectiveness in dealing with security threats. If the United States improves the effectiveness of internal security forces, but not their accountability and human rights practices, U.S. policymakers will have to weigh the short- and long-term implications of assisting them. U.S. assistance may have the unintended consequence of increasing a government’s ability to

⁵ See, for example, Dobbins et al., *America’s Role in Nation-Building: From Germany to Iraq*, Santa Monica, CA: RAND Corporation, 2003; Dobbins et al., *The UN’s Role in Nation-Building: From the Congo to Iraq*, Santa Monica, CA: RAND Corporation, 2003.

repress its population. Assistance should also be withheld if the institutional culture is too uncongenial to reform, the political climate is too hostile, or the amount and type of assistance provided is inadequate. As indicated above, several Uzbek programs should be curtailed or significantly restructured.

In areas where assistance has not been effective in encouraging accountability and improving human rights, yet U.S. security interests are significant, those interests may be better served in one of two ways: (1) continuing cooperation but ending aid, or (2) focusing on areas where assistance can achieve other goals and is less likely to backfire or be wasted. Cooperation can take the form of information exchanges and occasional joint operations where no training, equipment, or other types of assistance are provided to security agencies.

Vetting

The issue of vetting is a challenging one. The provision of security assistance to repressive regimes raises the danger of providing aid and assistance to individuals and groups who could use it to further repress their populations. Vetting is one mechanism to preclude such outcomes. However, this study found significant problems with current U.S. government vetting practices in relation to security assistance.

First, vetting is not required in all cases. Much of the aid provided by the ATA program and DEA is not subject to Leahy Law vetting requirements. There is considerable confusion in the U.S. government regarding when vetting is and is not required. Second, attention to vetting varies by country. For instance, many in the U.S. government involved in providing security assistance to Pakistan did not perceive vetting as critical. Third, within the U.S. government and its agencies, the purposes and practices of vetting are variously understood and imperfectly applied. This results in a wide variation in the thoroughness with which departments and agencies vet units or individuals. For instance, although the Leahy Law precludes assistance to units credibly accused of human rights violations, the definition of “unit” is not understood by most assistance providers. Moreover, training assistance is generally provided to individuals, who are assembled from various units. Many U.S. agencies and individuals involved in security assis-

tance believe that vetting by individual is more appropriate, and they therefore tend to conduct their searches on this basis. Fourth, there is considerable confusion regarding whether responsibility for vetting lies with the U.S. Embassy in the country receiving assistance or at the State Department in Washington. Fifth, some U.S. assistance to security forces is carried out through the transfer of U.S. funds to international organizations, such as the OSCE and the UN, which do not always conduct thorough (or any) vetting. Sixth, vetting efforts suffer because effective and stringent vetting is contingent upon access to reliable information on units and individuals, and such information is often not readily available.

The U.S. government generally takes vetting seriously. The State Department has established a database that seeks to document accusations of human rights abuses in a way that enables both searches and updating on a wide range of criteria (both individual and unit). Various agencies carry out their own vetting procedures. While some of them betray a “check-the-box” mentality, others are thorough and motivated by a desire to ensure that the foreign security forces they train and work with can be trusted—and that their assistance will not be misused. But the confusion regarding legal requirements and specific program situations remains and is likely to persist for the foreseeable future, due as much to a lack of policy clarity as to imperfect implementation.

Our analysis suggests that the U.S. government needs to improve its vetting practices by making them more consistent across programs and agencies and standardizing them across different types of assistance. Congress can play a critical role by seeking to establish uniform guidelines and providing further clarification regarding the criteria executive branch agencies should use in identifying and vetting both units and individuals. Vetting units raises problems because it affects individuals who may not be complicit in human rights abuses and potentially withholds training from units that need to improve transparency and accountability most. Vetting individuals misses clear cases of abuse in which there is insufficient evidence to hold them responsible, but a unit can be identified. The easiest cases to decide tend to be those involving units that are consistently and credibly accused of violations. Those units should be prevented from receiving assistance.

In any case, the wide variation in implementation suggests that clearer guidance is needed.

APPENDIX

Training Assistance Provided to Uzbekistan, January 2001–June 2005

No.	Year	Course Title	Program or Agency	Location of Training	No. of Participants (if available)
1	2001	Barrett Radio Communication Equipment Training	EXBS	Tashkent, Uzbekistan	
2	2001	5th Regional Export Control and Nonproliferation Forum for Central Asia and the Caucasus	EXBS	Bishkek, Kyrgyzstan	
3	2001	International Border Interdiction Training	EXBS	McAllen, TX	
4	2001	DOE Central Asia Nuclear Nonproliferation Workshop	EXBS	McAllen, TX	
5	2001	U.S.-Uzbekistan National Control List Technical Workshop	EXBS	Washington, DC	
6	2001	Export Control and Related Border Security Program Symposium for International Export Control Officials	EXBS	Washington, DC	
7	2001	(ILEA) Session 33	INL/ILEA	Budapest, Hungary	15
8	2002	U.S.-Uzbekistan Legal Technical Workshop	EXBS	Washington, DC	
9	2002	Barrett Radio Communication Equipment Training II	EXBS	Tashkent, Uzbekistan	
10	2002	Terrorist Crime Scene Investigation	FBI		26
11	2002	6th Central Asia and Caucasus Regional Forum on Nonproliferation, Export Control, and Border Security	EXBS		
12	2002	Ground Sensors Training	EXBS	Tashkent, Uzbekistan	

No.	Year	Course Title	Program or Agency	Location of Training	No. of Participants (if available)
13	2002	U.S.-Uzbekistan National Control List Technical Workshop	EXBS	Tashkent, Uzbekistan	
14	2002	Internal Controls		Tashkent, Uzbekistan	30
15	2002	International Border Interdiction Training II	EXBS	Gisht-Kuprik, Uzbekistan	
16	2002	Major Case Management @ FBI Academy	FBI		24
17	2003	(EXBS) Patrol Boat Familiarization Visit	EXBS	Washington, DC	
18	2003	(ILEA) Session 39	INL/FBI	Budapest, Hungary	16
19	2003	(ATA-4183) Vital Security Installation	ATA	Albuquerque, NM	24
20	2003	(ATA-4072) Antiterrorism Instructor Course	ATA	Albuquerque, NM	12
21	2003	(OPDAT) Regional Conference on Prosecuting of Money Laundering	INL/OPDAT	Budapest, Hungary	6
22	2003	(EXBS) Patrol Boat Familiarization Visit II	EXBS	Washington, DC	
23	2003	(ATA-4179) VIP Protection Course	ATA	Albuquerque, NM	18
24	2003	(EXBS) DOE Nuclear-Related Commodity Identification Course	EXBS	Tashkent, Uzbekistan	
25	2003	TSA Familiarization Visit (JFK Flight)	TSA	Tashkent, Uzbekistan	1
26	2003	7th Central Asia and Caucasus Regional Forum on Nonproliferation, Export Control, and Border Security	EXBS	Almaty, Kazakhstan	
27	2003	(ATA-4130) Officer Survival Training Course	ATA	Albuquerque, NM	24
28	2003	(RLA-1) Appellate Workshop	INL/RLA	Tashkent, Uzbekistan	30
29	2003	(ATA-416) Surveillance Detection Course	ATA/ITI	Tashkent, Uzbekistan	15
30	2003	Organized Crime Investigations and Prosecutions	INL/OPDAT	Budapest, Hungary	6
31	2003	(USNS) Counter Drug Maritime Advanced Training Course	Defense Department/Navv	Tashkent, Uzbekistan	40

No.	Year	Course Title	Program or Agency	Location of Training	No. of Participants (if available)
32	2003	Surveillance Detection Course for American Embassy Staff	DS/IP/FPO	Tashkent, Uzbekistan	20
33	2003	(USNS) Counter Drug Boats Training Course (NSWU-37, SBT-12)	Defense Department/Navv	Termez, Uzbekistan	25
34	2003	ILEA Retraimer Program	INL/ILEA	Budapest, Hungary	3
35	2003	(RLA-2) Prosecution Of Narcotics Cases	INL/RLA	Tashkent, Uzbekistan	80
36	2003	(2KC-141) Advanced Law Enforcement Safety and Survival	INL/FBI	Tashkent, Uzbekistan	35
37	2003	(01F-076) Kidnapping Investigation	INL/FBI	Tashkent, Uzbekistan	36
38	2003	(RLA-3) International Association of Prosecutors Annual Conference: "The Fight Against Terrorism: A Global Effort"	INL/RLA	Washington, DC	3
39	2003	(01C-039) Violent Crime and Profiling	INL/FBI	Tashkent, Uzbekistan	40
40	2003	ILEA Roswell, Advanced Management Course (Session 16)	INL/ILEA	Roswell, NV	16
41	2003	International Narcotics Enforcement Management Seminar (INEMS)	INL/DEA	Washington, DC	1
42	2003	(RLA-4) Trafficking in Persons Familiarization Visit	INL/RLA	Kiev, Ukraine	9
43	2003	(EXBS) International Border Interdiction Training Course	EXBS	McAllen, TX	
44	2003	FBI National Academy Associates Retraining Session	State/FBI	Ljubljana, Slovenia	2
45	2003	(RLA-5) Bilateral Dialogue Program, Phase-1	DOJ/OPDAT	Tashkent, Uzbekistan	6
46	2003	(EXBS) Seminar-Workshop on End-Use/End-User Analysis	EXBS	Tashkent, Uzbekistan	
47	2003	Regional Conference on Priority Criminal Justice Sector Reforms	DOJ/OPDAT	Tashkent, Uzbekistan	100
48	2003	(ATA-3708) ATA Cornelison Familiarization Visit	ATA	Tashkent, Uzbekistan	1
49	2004	(EXBS) U.S.-Uzbekistan Legal Technical Workshop	EXBS, DOC	Washington, DC	

No.	Year	Course Title	Program or Agency	Location of Training	No. of Participants (if available)
50	2004	Law Enforcement Canine Training Program	INL	Rostov, Russia	5
51	2004	(ATA-4771) Tactical Commanders Course	ATA	Baton Rouge, LA	18
52	2004	(INL) SABRE-2000, Explosive Detector Course (Equipment Delivery)	INL	Tashkent, Uzbekistan	10
53	2004	Regional Conference on Criminal Procedure	DOJ/OPDAT	Budapest, Hungary	8
54	2004	Radiological Detection and Planning Course	DTRA/FBI	Tashkent, Uzbekistan	40
55	2004	(ATA-4788) ATA/ILEA Police Executive Role in Combating Terrorism Course	ATA	Budapest, Hungary	7
56	2004	(ATA-4727) WMD Phase III and Equipment Grant	ATA	Tashkent, Uzbekistan	20
57	2004	Regional Conference on New Technologies in Combating Organized Crime	INL/OPDAT	Budapest, Hungary	4
58	2004	(INL/ATF) Firearms and Explosive Identification Course	INL/ATF	Tashkent, Uzbekistan	32
59	2004	INL/ILEA International Curriculum Committee	INL/ILEA	Budapest, Hungary	1
60	2004	(ATA-4890) ATF Bomb Tech Assessment Visit	ATA/ATF	Tashkent, Uzbekistan	20
61	2004	(RLA-6) Roundtable Implementation of MVD Instruction on the Right to Counsel	RLA/MVD	Navoi, Uzbekistan	26
62	2004	(EXBS) Radiation Academy Program at the DOE Hanford Facility	EXBS/DOE	Richland, Wa	30
63	2004	(ATA-4856) Protective Operational Management	ATA	Astana, Kazakhstan	5
64	2004	(RLA-7) Round Table on Legislative Reform in Combatting Money Laundering	RLA	Tashkent, Uzbekistan	31
65	2004	(EXBS) U.S.-Uzbekistan Munitions and Dual-Use Licensing Workshop	EXBS	Tashkent, Uzbekistan	
66	2004	(RLA-8) Advocacy Skills and Fair Trials Workshop	RLA	Tashkent, Uzbekistan	40
67	2004	Phase II: Law Enforcement Canine Training Program (Counter-Drug)	INL	Rostov, Russia	5

No.	Year	Course Title	Program or Agency	Location of Training	No. of Participants (if available)
68	2004	(ATA-4983) ATA 4997 Crisis Response Team (CRT) & Advanced CRT	ATA	Baton Rouge, LA	24
69	2004	(ATA-4988) Assessment for Anti-Terrorism Executive Forum	ATA	Tashkent, Uzbekistan	2
70	2004	(INL) ILEA-Roswell, Session 28, Advanced Management Course	INL	Roswell, NV	9
71	2004	(PAS) International Visitors Program for RSO Candidates	PAS	USA	5
72	2004	(DTRA) Expanded Integrated Exercise	DTRA	Tashkent, Uzbekistan	29
73	2004	(INL-2) USCS Tracker Training	INL	Tashkent, Uzbekistan	25
74	2004	(INL-2) Overseas Enforcement Training	INL	Tashkent, Uzbekistan	30
75	2004	(ATA-4998) Hostage Negotiation Course	ATA	Baton Rouge, LA	24
76	2004	(ATA-4999) Capstone Training and Final Exercise for Hostage Rescue Training	ATA	Baton Rouge, LA	6
77	2005	(INL) International Law Enforcement Academy Session—49	INL/ILEA	Budapest, Hungary	24
78	2005	(ATA-4138) Post Blast Investigation Course	ATA	Baton Rouge, LA	24
79	2005	(EXBS) Product Acoustic Signature System Training Workshop	EXBS	Tashkent, Uzbekistan	15
80	2005	(EXBS) Department of Energy/ National Nuclear Security Administration Basic	EXBS/DOE/ NNSA	Kiev, Ukraine	2
81	2005	(EXBS) Night Vision Maintenance Workshop	EXBS	Tashkent, Uzbekistan	20
82	2005	Phase III: Law Enforcement Canine Training Program	INL	Rostov, Russia	4
83	2005	(ATA-4985) Police Executive Role in Combating Terrorism	ATA	Budapest, Hungary	12
84	2005	Interview and Interrogation	OPDAT		156
85	2005	(EXBS) Advanced International Border Interdiction Training	EXBS/IBIT	McAllen, TX	16
86	2005	(ATA-5097) Antiterrorism Executives Forum	ATA	Washington, DC	15

No.	Year	Course Title	Program or Agency	Location of Training	No. of Participants (if available)
87	2005	(EXBS) Instructors Training for Commodity Identification Training Instructors	EXBS/DOE/ NNSA	Almaty, Kazakhstan	6
88	2005	(ATA-5008) Combatting Transnational Terrorism	ATA	Budapest, Hungary	10
89	2005	(INL-4) Second Phase of Border Enforcement Training for Uzbek Customs	INL/USCS	El Paso, TX	14

NOTES: Data are compiled from various sources. This may not be a complete list of training assistance provided. ILEA = Institute for Law Enforcement Administration; TSA = Transportation Security Administration; RLA = Resident Legal Advisor; ITI = Investigator Training International; DS/IP/FPO = Office of Facility Protection Operations (Department of State); DOJ = Department of Justice; DOC = Department of Commerce; ATF = Bureau of Alcohol, Tobacco and Firearms; DOE = Department of Energy; PAS = Public Affairs Section (U.S. Embassy); USCS = United States Customs Service.

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