



Corporación Colectivo de Abogados

Personería Jurídica 1292 de 1980 - Minjusticia

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## **Private Security Transnational Enterprises in Colombia**

Case Study: Plan Colombia

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February 4, 2008  
Bogotá, Colombia

In this short presentation, the terms "*private contract worker*" and "*mercenary*" will be used interchangeably, due to the fact both terms refer to the same phenomenon: troops stationed in a foreign country in exchange for a certain pay. In general terms, a mercenary is understood to be "*(Middle English, from Latin mercenarius, irregular from merced-, merces wages) [...] one that serves merely for wages; especially: a soldier hired into foreign service.*" [1]

The International Convention against the Recruitment, Use, Financing and Training of Mercenaries, recently entering into force, specifies several accumulative conditions to formally determine the condition of mercenary. [2] Nonetheless, current mercenaryism -or the performance of transnational private security enterprises- has reached such a level of sophistication and legalization that it is nearly impossible to apply these rules -or any other- to establish responsibilities for the crimes committed by these enterprises or the governments employing them.

In any case, the Convention states it is aware of "*the recruitment, use, financing and training of mercenaries for activities which violate principles of international law such as those of sovereign equality, political independence, territorial integrity of States and self-determination of peoples.*" [3] Limiting ourselves to a well-intentioned -yet archaic- conceptualization in the description of such a devastating phenomenon, in reality, only defers an imperative debate within our apparent democracies concerning the transfer and manipulation of exclusive monopoly of States with respect to the use of force, the concept of sovereignty, and the rights of peoples subjected to this transnational industry as well as their recognition as victims.

Furthermore, we must also first affirm the existence of a genuine political, economic and social internal armed conflict in Colombia (as opposed to a terrorist threat against democracy as presented by the current Colombian government). For instance, according to Rodrigo Uprimny Yepes, director of the *Centro de Estudios de Derechos, Justicia y Sociedad*, an armed conflict exists if there is "*1) combat between the State and dissident armed groups which 2) must have responsible chains of command and 3) control sufficient territory to launch sustained military operations and 4) have the ability to apply humanitarian norms. A brief analysis is sufficient to conclude that these conditions exist in Colombia.*" [4]

According to official figures from the Colombian government, [5] in its fight against the insurgency from August 2002 to November 2007, the policy of "*Democratic Security*" resulted in the capture of 28,388 persons and the "*killing*" of 10,568. At the same time, 3,191 members of the public force were killed in combat and 9,049 were wounded. Additionally, these figures occur within the context of an increase in the number of combats [6] and a strengthening of army and police troop force, infrastructure, technology, and operative doctrine, [7] which is fundamentally supported by US military assistance included in Plan Colombia.

This description is relevant insofar as clearly *"the same legal and political strategies appropriate for dealing with a terrorist threat are not suited to overcome an armed conflict."* [8] Under no circumstances, the use of transnational mercenaryism is justified to keep either in check.

Moreover, this presentation affirms the existence of an ongoing and intolerable level of human rights violation and commission of crimes against humanity in Colombia, which has increased despite the manipulations and disconnected speculation of the democratic security policy.

Recently, non-governmental human rights organizations presented a report to the Inter-American Commission in which we indicated the increase of extrajudicial executions directly attributed to members of the public force. The report concluded:

*"Over the last year (July 2006 to June 2007), at least 1,348 civilians lost their lives in Colombia due to socio-political violence. Of these, 119 persons were forcibly disappeared. In cases in which the generic perpetrator of the violation is known, 70.8% of the cases were attributed to the State: 39,1% (287 victims) were directly attributed; while 31,7% (233 victims) was due to the tolerance or support to the violations committed by paramilitary groups. 29.2% (214 victims) of the cases were allegedly attributed to the guerrillas.*

*"If these figures are added to the amount registered over the last four years (July 2002 to June 2006), at least 12,547 civilians lost their lives due to socio-political violence. This period coincides with the implementation of the so-called policy of 'democratic security,' which has the supposed objective of protecting the Colombian population. Paradoxically, over these years, there has reportedly been an exceptional increase of violations to the right to life directly committed by State agents, who implement the policy of 'democratic security' and protecting and guaranteeing every one's human rights.*

*"From July 2006 to June 2007, 287 violations to the right to life directly committed by State agents were registered (51 forced disappearances and 236 extrajudicial executions). If, in addition to these deaths, the deaths registered over the preceding four years (July 2002 to June 2006) are also considered, since the beginning of the implementation of the policy of 'democratic security,' 1,190 persons in total lost their lives due to the direct action of State agents (235 forced disappearances and 955 extrajudicial executions).*

*"Over the previous five-year period (July 1997 to June 2002), 635 violations to the right to life directly committed by State agents were registered (58 forced disappearances and 577 extrajudicial executions). In this way, during the period from July 2002 to June 2007, the total of violations to the right to life perpetrated directly by State agents increased 87.4% (forced disappearances increased 305.17% and extrajudicial executions 65.51%). This quantitative panorama demonstrates that the policy of 'democratic security' is not a suitable or effective measure to guarantee and protect the right to life."*  
[9]

The idea of a *"post-conflict"* setting following the process undertaken with the paramilitary groups [10] is far from being a reality insofar as these structures have maintained their criminal actions against the civilian population through the murder or forced disappearance of at least 3,040 persons [11] during their period of *"demobilization."* Furthermore, they have reappeared in many parts of the country by rearming themselves with a mere name change. [12] Their institutionalization –as opposed to effective dismantlement– has been encouraged by a legal framework that shamelessly ignores the rights of the victims by granting most of the demobilized persons total impunity for their crimes. Only a small fraction are subjected to confusing legal proceedings that

do not satisfy the rights to truth, justice, comprehensive reparation, and guarantee for the non-repetition of the crimes. [13]

In matters concerning economic, social and cultural rights –of which structural violation encourages the continuation of the internal conflict-, the panorama is not less disheartening. More than three million persons have been forcibly displaced under dreadful survival conditions, concerning which the Constitutional Court has declared the *"state of unconstitutionality."* [14] Furthermore, according to the Office of the United Nations High Commissioner for Human Rights in Colombia, the recent agrarian reforms open the *"possibility some internally displaced persons will be re-victimized."* [15]

In this setting, if it is possible to speak of terrorism, this is State Terrorism, which *"occurs when the State itself becomes an agent of terror, whether because it drives a conflict, war or internal commotion without limiting itself to the rules of 'Right in War,' or because through its structures, institutions, procedures or practices, the State places under threat the fundamental values of life, integrity or liberty of its citizens, creating ambiguous fields where security or risk are subjected to arbitrariness, or indicating unambiguous risk fields but inspired in irrational or anti-ethical principles."* [16]

Lastly, it should be clarified that in Colombia different levels of mercenaryism has been manifested historically and in this presentation we will only approach one of them: that of transnational security enterprises that participate in *"Plan Colombia"* programs.

However, we will remember the case of Yair Klein, Israeli mercenary who in the 1980s sold weapons to the drug trafficking cartel led by Gonzalo Rodríguez Gacha, the Castaño brothers, and –along with Tzedaka Abraham and Terry Melnik- trained paramilitaries (among them *"Alfredo Baquero, aka Vladimir, formally accused of being the author of the massacres of Honduras and La Negra, in Urabá, and Mejor Esquina, in Córdoba"* [17]). On one occasion this paramilitary stated:

*"They taught us the English and German tactic consisting in that the enemy had to be exterminated to the root. They told us a guerrilla member or auxiliary, located in a key place, could severely harm us. So we left maddened to pursue the FARC's collaborators and armed wing. And we struck them harshly. Whoever we detected, we attacked. It was exciting to be Yair Klein's student."* [18]

This paramilitary's statements implicated army general Farouk Yanine in the massacres known as *"19 Merchants"* and *"La Rochela."* In both cases, the Colombian State has been declared responsible by the Inter-American Court of Human Rights.

In 2001, the Manizales Superior Tribunal convicted these Israelis to 10 years and eight months in prison for the crime of strengthening and training paramilitary groups in military and terrorism practices. [19] In September 2007, Klein was captured in Russia, but his extradition did not occur due to his age. [20] What is certain is that the governments of Colombia and Israel did not carry out the necessary actions to achieve his capture and extradition for almost seven years. Consequently, this negligence rewarded the persons who trained the perpetrators of crimes against humanity. [21]

However, Colombia is also an important enclave in the business; it exports Colombians for mercenary activities and trains foreign troops in its territory. In the first case, this concerns active or retired members from Colombian State security agencies (skilled in military and intelligence affairs), who are hired by enterprises like *Blackwater* or *Halliburton Co.* through small enterprises in Colombia like *ID Systems* or in Ecuador like *EPI Security & Investigation*, with methods and strategies leaving them devoid of any legal protection of their contractual and civil rights once they land on Iraqi soil. [22]

US experts carry out the prior training for the work in Iraq at Colombian military installations. [23] Colombians are preferred due to the fact that “most [...] are retired police officers and members of the military that received training in US military units and are accustomed to working with US troops.” [24] Despite scandal concerning the working conditions for Colombians in Iraq, there is no knowledge of actions being carried out by the Colombian government to guarantee the rights of these citizens or to control or investigate the activities of the private contracting enterprises.

For its part, the training of foreign troops is also of concern presently. Special forces are trained in the most modern assault techniques at a military base in the department of Tolima. According to a local news report, “Colombian antinarcotics police not only train foreigners in situations of conflict in rural areas, but also in assaults in urban areas. Special forces from Fort Bragg, United States, teach assault techniques to combat the insurgency in enclosed spaces. The instructors observe from above –everything is simulated-, but the bullets are real [...]. In four months time, they have the goal of creating a 130-man unit to fight drug trafficking in Afghanistan, principal heroin producer in the world. The Colombians do not know much about this land, but they will also have their turn to go there as part of an exchange.” [25]

There is almost no information available to the public on these courses. It is not known if those trained in these courses belong to their respective country’s military forces or if they are from transnational private security enterprises. The countries of origin of the instructors are also not known.

**Mercenaryism in the Framework of Plan Colombia**

International military assistance for Colombia through private security transnational enterprises is not exclusive of the United States or limited to Plan Colombia. This “cooperation” also involves enterprises from other countries, such as Israel, with the full knowledge of said governments and Washington. These significant multiple-million-dollar contracts are signed directly by the Colombian Ministry of Defense. [26]

Nonetheless, mercenary activity carried out as a part of Plan Colombia is the most publicized. In 2006, the US Congress published an official report on US enterprises that had signed contracts with the State Department or the Defense Department so as to carry out anti-narcotics activities as a part of Plan Colombia. [27] Most the private contract enterprises are under the responsibility of the Defense Department, but the largest contract (DynCorp) is in the hands of the State Department.

The following chart briefly summarizes the report: [28]

ENTERPRISES CONTRACTED BY THE DEPARTMENT OF STATE		
Contractor	Value of Payments in FY 2006	Principal Activities
Lockheed-Martin	\$52,868,553	Assist the Colombian National Police (CNP) in the maintenance and support of the CNP Air Service fleet.
DynCorp International, LLC [29]	\$164,260,871	Provision of pilots, maintenance technicians, and logistics support to the Colombian Army (COLAR) Counter-Drug Brigades and the CNP aerial eradication program.
Olgoonik [30]	\$2,425,739	Provision of administrative support personnel and logistics support personnel to support the COLAR, the CNP eradication program, the Bureau

		of Prisons program, the Port security program, and the Ministry of Defense program.
<b>ARINC, Inc.</b> [31]	\$7,875,000	Sensor maintenance, engineering, logistics, and training support for CNP C-26 aircraft equipped with signal collection and associated surveillance equipment.
	\$20,953,000	Training of personnel and maintenance and logistic support for aircraft for the Colombian Air Bridge Denial (ABD) Program and for the USG safety oversight of the program.
<b>Oakley Networks</b> [32]	\$5,000,000	Provision of internet surveillance software and computer hardware to assist in internet monitoring programs conducted by the computer crimes division of the CNP, Directorate of the Judicial Police (DIJIN).

As is evident, the largest contract was awarded to DynCorp International, LLC, which receives almost one fourth of Plan Colombia’s total assistance channeled through private security enterprises. In the case of Arinc Inc., the program will not be transferred to Colombia. Moreover, the program carried out by Oakley Networks is directly monitored by the DEA.

DynCorp is the most well recognized mercenary enterprise, due to its direct participation in the area of chemical aerial spraying and especially because of the scandals in which it has been involved. Specifically, these scandals relate to the trafficking of heroin and cocaine, sexual abuse of girls, and the sale of munitions to paramilitary groups. [33]

ENTERPRISES CONTRACTED BY THE DEPARTMENT OF DEFENSE		
Contractor	Value of Payments Made in FY 2006	Principal Activities
<b>MANTECH</b>	\$1,192,055	Provide Counterdrug Operations Coordination Center (CDOCC) watch duties in support of the Air Component Coordination Element (ACCE) and MILGP.
<b>MANTECH International</b> [34] (CECOM)	\$2,951,000	Provides complete technical support to automation and communications systems used in CN operations. Systems at the classified level support real time CN operations by providing remote access to intelligence databases, imagery transfer, and blue forces operational situation through the Counternarcotics Command Management System (CNCMS).
<b>MANTECH International</b>	\$561,900	Provides base operations support activities at the U.S. Army South Forward Operating Site in Apiay, Colombia.
<b>ITT</b> [35]	\$6,533,502	Operate and maintain Hemispheric Radar System in Colombia. Provide personnel to support site equipment and logistic support including charter flight support and power and utilities

		to five radar sites and a satellite communications node in Bogota.
<b>Northrop Grumman Information Technology International, Inc. [36]</b>	\$479,000	Conduct Contractor Logistic Support of the Peace Panorama System II (PPS II). Integrate Iridium phones. Provide technical support for integration of Colombian Civil Aviation data feeds.
<b>Northrop-Grumman Mission Systems</b>	\$2,851,863	Provides forward-based logistics support for two Airborne Reconnaissance Low-COMINT (ARL-C) aircraft.
<b>ARINC</b>	\$356,000	Coordinate and support radar, communications, and command and control activities and projects between the USAF and, COLAF for Air Forces Southern, the Air Force component to SouthCom (AFSOUTH) programs in Colombia. Evaluate and optimize detection and monitoring systems.
<b>Lockheed Martin Integrated Systems (LMIS/OPTEC) [37]</b>	\$2,345,442	Operates an airborne system to counter illicit drug trafficking. LMIS/OPTEC provides total support for turnkey operations to include leased aircraft, pilots, operators, aircraft maintenance, Intelligence, Surveillance & Reconnaissance (ISR) coordinators, and mission coordinators.
	\$52,254	Provides in-country support to the continuing investigation and activities associated with the safe, speedy recovery, and return of the three American hostages currently being held in Colombia.
	\$822,559	Provides system administration for information technology (IT) system support services, a Geographic Information Systems (OIS) analyst for the Counter-trafficking Integrated Display System (CIDS).
	\$1,700,000	Provides direct support for Project Orion, a joint, collaborative maritime domain awareness demonstration effort involving the Colombian Navy, JIATF-S, U.S. SOUTHCOM and DEA to provide a basic maritime awareness capability along the northern coast of Colombia.
<b>Lockheed Martin Integrated Systems (LMIS)</b>	\$3,394,768	Provides multiple echelon counter-narcoterrorism public communications training and capacity building in support of Plan Colombia. The development of the Colombian communications capability will be achieved primarily by allowing the Colombians to learn on-the-job from real-time illustrative assistance provided by the contractor during numerous communications activities and events.
	\$2,751,542	Provides UH-1 Standardization Instructor Pilot (SP) support to assist the Colombian Technical Assistance

		Fielding Team (TAFT) with training and oversight of the Initial Entry Rotary Wing (IERW) and Huey II programs. Provides maintenance personnel to assist COLAF in maintaining UH-1H helicopters.
	\$1,470,434	Provides maintenance mentoring support for Colombian Foreign Military Sales (FMS) UH-60L aircraft.
<b>Lockheed Martin</b>	\$250,000	Provide on-site Information Operations (IO) expertise to CDR U.S. MILGP, Bogota, Colombia. Synchronize all 10 efforts in Colombia in support of U.S. MILGP and U.S. SOUTHCOM. Draft yearly engagement plan for enabling Colombian Military (COLMIL) to conduct IO.
<b>Lockheed Martin Technology Services</b>	Approximately \$600,000	Provides logistics advisory, management, and professional services to U.S. MILGP and COLMIL forces in support of counternarcotic and counterterrorism efforts.
	\$3.4 million	Provides technical assistance to the Minister of Defense and Colombian Public Security forces to establish a joint national maintenance center and logistics automated decision support in support of COLMIL helicopter nationalization program and their ability to be self-sufficient.
	\$207,000	Provide planning and logistics support to DoD personnel planning and executing DoD directed counternarcotics training operations in Colombia. This contract provides planning and logistics support for both DoD assets over which U.S. Marine Corps Forces South exercises tactical control [...].
<b>Lockheed Martin Mission Support</b>	\$292,005	Provide logistics support to USG personnel and Joint Interagency Task Force (JIATF) South tactical assets planning and executing JIATF South CN/CNT (counternarcotics/ counternarcoterrorism) operations in Colombia.
<b>OPTEC</b>	\$9,409,664	Operate an airborne system to counter illicit drug trafficking.
<b>Telford Aviation [38]</b>	\$2,783,000	Provides forward-based logistics support for two Airborne Reconnaissance Low-Multi-Functional (ARL-M) aircraft. Also provides logistics support for ARL-M's Prime Mission Equipment (PME) and Security Processing Equipment (SPE).
<b>King Aerospace [39]</b>	\$9,036,310	Performs aircraft maintenance services, logistics support, and management activities to maintain nine De Havilland DASH-7 aircraft Airborne Reconnaissance Low (ARL) Special Electronic Mission Aircraft (SEMA) and associated systems and subsystems.
<b>CACI, Inc [40]</b>	\$555,230	Provides three electronic/satellite

		communications technicians to perform Tier I and II logistics support for TROJAN systems located in Colombia.
<b>Tate Incorporated [41]</b>	\$420,603	Provides the required personnel (2), equipment, and the requisite supplies or services not government furnished for Personnel Recovery (PR) planning and execution services to establish and operate in-country Combined Country Team Personnel Recovery Centers (CCPRCs).
<b>Chenega Federal Systems [42]</b>	\$200,000	Provide intelligence database maintenance and administration for the Embassy Intelligence Fusion Center (EIFC) in Bogota, Colombia.
<b>PAE Government Services [43]</b>	Approximately \$40,000	Provides administrative support to the U.S. MILGP and COLMIL forces in support of counternarcotic and counterterrorism efforts.
	Approximately \$2.5 millions	Provides supply support activity, warehouse operations, vehicle maintenance support, transportation coordination, supply and property book support, petroleum management, and professional services to U.S. MILGP and COLMIL.
<b>OMNITEMPUS [44]</b>	Approximately \$1 million	Provides fulltime driver/dispatch support for all DoD U.S. MILGP personnel within Colombia.
<b>Construction, Consulting, &amp; Engineering (CCE) [45]</b>	\$300,000	Provides logistics professional and administrative technical support services to the U.S. MILGP and COLMIL forces in support of counter-drug and counter-terrorism efforts.
<b>U.S. Naval Mission Bogota Riverine Plans Officer [46]</b>	\$200,000	Advisor and planner for all matters related to the Counter Narco-Terrorism Riverine Program and be responsible for the planning, advising, coordinating and monitoring of current strategic, operational and tactical operations conducted in Riverine environments in support of the SOUTHCOM, joint, combined, multinational and interagency Global War On Terrorism (GWOT) operations.
<b>Science Applications International Corporation [47]</b>	\$78,879	Provide intelligence information exchange and liaison from the U.S. Embassy Bogota Intelligence Fusion Center (EIFC) to the Colombian Armed Forces joint intelligence staff.

As regards enterprises contracted by the Department of Defense, only the contracts with Lockheed Martin Technology Services and Construction, Consulting, & Engineering (CCE) ended in September 2007. One of the programs signed with Northrop Grumman Information Technology International, Inc. is in a period of technology transition to Colombia. The programs signed with MANTECH, MANTECH International, ARINC, Lockheed Martin Integrated Systems (LMIS/OPTEC), OPTEC, Telford Aviation, Northrop-Grumman Mission Systems, King Aerospace, CACI, Inc., Chenega Federal Systems, OMNITEMPUS, U.S. Naval Mission Bogota Riverine Plans Officer, Science Applications International Corporation, and ITT, are not transferable. In other words, in general terms, the enterprises contracted by the



Department of Defense have an ongoing inclination for their operation in Colombia, especially due to the start of the *Patriot Plan* military operation in Southern Colombia.

The prohibition of accompanying Colombian security forces during the execution of combat or security operations is only expressly warned in the case of Lockheed Martin Mission Support. Lockheed Martin Integrated Systems (LMIS/OPTEC) and Tate Incorporated are the leading the effort to recover the three US hostages held by the FARC.

Concerning the work description of these private contract workers and their unlimited power of information, coordination and intelligence, it may be easily concluded these enterprises directly participate in the management of the hostilities in the internal armed conflict in Colombia. This situation has entailed several problems with respect to democracy, sovereignty, and international human rights law.

First, the Legislative and Judicial branches of public power in Colombia should have knowledge of the activities of these mercenary enterprises.

The Plan Colombia military assistance has been legalized through the legal concept of "*simplified agreements*" for bi-national agreements and conventions signed before the present constitution came into force in 1991. Given the form in which the presence of these enterprises was legalized in Colombia, the Colombian congress exerts no political control over their activities and judicial functionaries have no jurisdiction.

The fact that Congress exerts no political control over the executive branch in its activities involving official or private foreign armies in the internal armed conflict has grave and harmful effects on the Colombian democracy. Likewise, the exclusion of criminal jurisdiction for the investigation, trial, and punishment of crimes committed in this country, only encourages the commission of crimes with absolute impunity.

As in matters concerning drugs, the principle of co-responsibility only operates in one sense (that of the weakest, i.e. Colombia). Drug trafficking carried out by members of these enterprises is not investigated and it is also not known whether the US justice system attempts to process them or punish the enterprises employing the implicated persons.

Removing these enterprises from Colombian criminal jurisdiction simultaneously entails the invisibilization and denial of the rights of the victims of their crimes, which specifically materializes in the knowledge of the truth of the acts, access to justice, and a comprehensive reparation, which entails guaranteeing the non-repetition of these crimes.

Precisely due to the fact they are in Colombia as part of an official mission, these private contract workers commit violations to the rights to health, food, a healthy environment, a dignified life, not be forcibly displaced, and many other rights. Their direct relationship with the US government, which has a contractual relationship with Colombia, makes these governments also responsible for the human rights violations caused by their activities.

In this sense, the direct contractual relationship with government agencies also bears responsibility in the human rights violations committed by transnational private agents.

Second, even though the Colombian executive branch accesses information not available to the other branches, the operations carried out are only known partially. (Since these enterprises are contracted directly by the US Defense or State Departments, they are only supervised and controlled by specialized personnel from the Narcotics Affairs Section of the US embassy in Bogota.)

In other words, an automatic violation to the principle of sovereignty occurs.

Article Nine to the Colombian constitution prescribes: "*external relations of the state are based on national sovereignty, on respect for the self-determination of peoples, and on the recognition of the principles of international law approved by Colombia.*" Colombia cannot presume sovereignty if it ignores the actions of private agencies in its territory because of conventions signed with other governments.

Third, these enterprises disregard the rules of war and international humanitarian law. Even though they are protected by legal mechanisms and political and ideological arguments as they directly participate in the internal hostilities (concealing their roles and their level of involvement), these enterprises must still respect these rules. Nonetheless, it is not evident they are indeed effectively respecting the principles of distinction, proportionality, and prohibition of the use of unnecessary means. (For instance, the practice of aerial fumigations. [48])

As regards current bilateral programs, assistance to Colombia has two main focuses: the fight against the production of drugs used for illicit purposes, and the fight against terrorism in the Andean region. Consequently, programs provide assistance for aerial spraying (and the needed infrastructure and technology) and produce real-time information (i.e. intelligence).

With respect to the former, fumigations have adversely affected the human rights –as well as assets and environmental surroundings- of thousands of *campesinos*, indigenous persons, and Colombian and Ecuadorean Afro-descendants, denying them access to justice. [49] Meanwhile, the second activity constantly puts at risk the safety and honor of thousands of victimized Colombians, claiming they are auxiliaries of the insurgency and subjecting them to arbitrary detentions, judicial set-ups, extrajudicial executions, torture, and forced disappearances.

Intelligence reports –which are classified due to "*national security*"- focus on community leaders, indigenous persons, and *campesinos* that resist in the midst of the conflict with an active fight for their fundamental rights. These reports also focus on the human rights defenders that speak out against the violation of these rights and the responsible parties (as a part of legal, political and social accountability).

Much of the success of "*Democratic Security*" (such as the number of captures and persons killed in combat) consists of the civilian population, which has been victimized by the institutional management of the internal conflict.

At this point, I should restate some of the comments made at the beginning of this presentation. Plan Colombia's contracted mission is certainly a mercenary mission. It is made up of persons who are highly skilled in the art of war yet exempt from all rules of humanitarian conduct due to the immunity they have been legally granted.

This mission directly participates in an internal armed conflict characterized by the use of the most heinous mechanisms of State terrorism and the mercenary presence increases the irregular nature of the conflict. Furthermore, this mission participates in the logic of the massive and systematic violation of human rights in Colombia. Lastly, it is implicated in these violations and their consequences: forced displacement, loss of institutional legitimacy, and suppression of the fundamental rights of all citizens.

It cannot be ignored that mercenary activities in Colombia have historically been involved in favoring the *de facto* powers of mafias and groups committing crimes against humanity. With the current trend of national army increasingly carrying out extrajudicial executions against a defenseless population as well as not having broken its close ties with paramilitary groups, State and private foreign agencies, which handle and produce modernized information for the Colombian army, become co-responsible parties to these crimes.

I will conclude this presentation by specifying the following points:

1. We agree with the notes of the former Rapporteur Enrique Bernales Ballesteros insofar as mercenary activity presupposes in and of itself the commission of multiple crimes. In this respect, the only option is to dismantle these enterprises. Their very existence is a violation to human rights and the rights of peoples. In fact, it is an expression of State terrorism. This fight against the existence of transnational private security enterprises comprises a cornerstone for the global human rights community.
2. The States, where these enterprises operate and where their home offices are based, as well as those who finance, hire, legalize, employ, protect these enterprises, or benefit from their services, are responsible for the crimes and violations committed by these enterprises.
3. Nonetheless, responsibility for these crimes and human rights violations is individual. The members of mercenary enterprises should be investigated, tried, and punished under standards of international human rights law. These persons cannot exclude themselves from responsibility based on the mandate ordered by the governments employing them: "*due obedience*" does not operate in cases of human rights violations.
4. Responsibility for the crimes committed also should have a corporate dimension: enterprises should also be investigated and punished.
5. Voluntary regulation by transnational private security enterprises is not sufficient. Transnational private security enterprises should be subjected to international human rights law, international humanitarian law, the criminal law of the countries where they operate and where they are headquartered. All jurisdictions should have the ability to investigate, try, and punish these enterprises to deny further impunity of their crimes.
6. It is of utmost importance that the academic world tackles the issue of the privatization of the security of States from a human rights perspective. In real terms, the loss of monopoly of force is a symptom of formal, empty and deceptive democracy.
7. The United Nations special procedures dealing with mercenaryism and the regulation of transnational enterprises should comprise the dimension of transnational war power and should act consequently. The perspective of "*self-regulation*" does not sympathize with the United Nations Charter and it should not be encouraged by its agencies.
8. Being that States -in the exercise of their power- encourage an institutionalized terrorism and also use these private armies for their own purposes, legally protecting themselves through instruments that violate democratic procedures. It is the duty of civil society, the academia, and human rights groups, to speak out against this practice and encourage the investigation, trial, and punishment of their crimes in national and international justice systems.

## End Notes

[1] Mercenary, Merriam Webster Online Dictionary, <http://www.m-w.com/dictionary/mercenary>.

[2] "*For the purposes of the present Convention, 1. a mercenary is any person who: (a) Is specially recruited locally or abroad in order to fight in an armed conflict; (b) Is motivated to take part in the hostilities essentially by the desire*

for private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar rank and functions in the armed forces of that party; (c) Is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict; (d) Is not a member of the armed forces of a party to the conflict; and (e) Has not been sent by a State which is not a party to the conflict on official duty as a member of its armed forces. 2. A mercenary is also any person who, in any other situation: (a) Is specially recruited locally or abroad for the purpose of participating in a concerted act of violence aimed at: (i) Overthrowing a Government or otherwise undermining the constitutional order of a State; or (ii) Undermining the territorial integrity of a State; (b) Is motivated to take part therein essentially by the desire for significant private gain and is prompted by the promise or payment of material compensation; (c) Is neither a national nor a resident of the State against which such an act is directed; (d) Has not been sent by a State on official duty; and (e) Is not a member of the armed forces of the State on whose territory the act is undertaken." (See: "International Convention against the Recruitment, Use, Financing and Training of Mercenaries," United Nations General Assembly, 72nd plenary meeting, December 4, 1989, A/RES/44/34, <http://www.un.org/documents/ga/res/44/a44r034.htm>.)

[3] "International Convention against the Recruitment, Use, Financing and Training of Mercenaries," United Nations General Assembly, 72nd plenary meeting, December 4, 1989, A/RES/44/34, <http://www.un.org/documents/ga/res/44/a44r034.htm>.

[4] Rodrigo Uprimny Yepes, "Is There or Isn't There an Armed Conflict?" Beyond the Spell, Third Year of Government to Álvaro Uribe Vélez, Plataforma Colombiana Democracia, Derechos Humanos y Desarrollo, September 2005, <http://plataforma-colombiana.org/drupal/?q=node/7>.

[5] "Logros de una Política de Consolidación de la Seguridad Democrática – PCSD," Ministry of Defense, December 2007, [http://www.mindefensa.gov.co/descargas/Sobre\\_el\\_Ministerio/Planeacion/ResultadosOperacionales/Resultados%20Operacionales%20Ene%20-%20Nov%202007.pdf](http://www.mindefensa.gov.co/descargas/Sobre_el_Ministerio/Planeacion/ResultadosOperacionales/Resultados%20Operacionales%20Ene%20-%20Nov%202007.pdf)

[6] "In 2006 the public force sustained by its own initiative 2,176 combats against irregular armed groups, which means an average of 6 actions per day. Since 2003, with 2,414 combats, the highest figure has registered in the last twenty years and represents an increase of 23% with respect to 2005. The increase in the combats against the FARC is noteworthy, which increased 40% by going from 1,184 in 2005 to 1,661 in 2006. In the case of actions against the ELN and self-defense groups, these decreased 1% and 82% respectively. Insofar as emerging bands, in 2006, 58 actions were reported, which means the public force combated each one on average 1.5 times, while the FARC was combated 28 times. [...] It is evident the public force concentrates more on combating the FARC in relative terms than other groups. The participation in the total of combats against this guerrilla increased almost ten percent in 2006, with 76%, in relation to 2005 when it was 67%." (See: "Balance de Seguridad 2006," Fundación Seguridad y Democracia, 2006, <http://www.seguridadydemocracia.org/docs/pdf/conflictoArmado/balanceSeguridad2006.pdf>).

[7] "Without including civilian personnel, from 2002 to 2007, State troop strength increased 31%, reaching 405,729 combats. Among the new military units, there were 2 new army divisions, 6 new brigades, 12 new mobile brigades, 2 operative commandos, 6 high mountain battalions, 9 tactical units, 3 Gaulas [anti-kidnapping task forces], 13 new antiterrorist urban special forces, 598 new platoons "Soldado de mi Pueblo", and 7 Meteoro companies. Tactical capabilities also increased with the acquisition of 25 new SUPER TUCANO planes, 12 BELL 206 RANGER helicopters, 8 Black Hawk helicopters, 4 MI helicopters, 3 command and control helicopters, 2 command and control Gran Caravan airplanes, 1 intelligence platform and the construction of 5

*supply ships. The police were able to create 31 new mobile police squadrons, 3 new Gaula groups, and 2,400 new highway police and 1,200 UNIR (Intervention and Reaction Unit) motorized groups."* (Ministry of Defense. Ob. Cit.)

[8] Rodigro Uprimny Yepes. Ob Cit.

[9] "Extrajudicial executions directly attributed to the public force in Colombia: July 2006 to June 2007," Hearing before the Inter-American Commission on Human Rights, Washington, D. C., October 10, 2007, Human Rights and Humanitarian Law Observatory, Coordination Colombia-Europe-United States, Association Minga, José Alvear Restrepo Lawyers' Collective, Colombian Commission of Jurists, Inter-Ecclesial Commission of Justice and Peace, Corporation Judicial Freedom, Corporation Reiniciar, Corporation Sembrar, Corporation Yira Castro, Foundation Committee for Solidarity with Political Prisoners, and the Interdisciplinary Human Rights Group.

[10] *"The State reacted to the resurgence of violence and in 1965 promulgated, as a transitory provision, under the state of emergency, Decree 3398, which provided at its Article 25 that '... all Colombians, men and women, not included in the call to obligatory service, may be used by the Government in activities and jobs with which they would contribute to re-establishing normalcy.'* The decree also indicates at Article 33, paragraph 3 that *'the Ministry of National Defense, through the authorized commands, may provide, when it considers it advisable, as private property, arms that are considered as being exclusively for the use of the Armed Forces,' with which groups of civilians armed legally. This Decree became permanent legislation in 1968 and the so-called 'self-defense groups' were formed under these provisions, with the support of the military forces and National Police."* (See: Report on the Demobilization Process in Colombia, Inter-American Commission on Human Rights, OEA/Ser.L/V/II.120, Doc. 60, December 13, 2004, <http://www.cidh.org/countryrep/Colombia04eng/toc.htm>.)

[11] According to statistics consolidated by the Colombian Commission of Jurists, paramilitary groups *"continue to violate the right to life, despite the negotiation process with the government. Since the beginning of the process on December 1, 2002, to April 30, 2007, at least 3,040 persons were killed or disappeared outside of combat by paramilitaries. The government has not reacted on this matter, in spite having announced that said process was subject to the condition that these groups not commit even one more murder. To the contrary, the High Commissioner of Peace has stated: 'The cessation of hostilities is a metaphor that should be handled with extreme flexibility.'"* (Statement by the High Commissioner for Peace during a follow-up session to the negotiation process with paramilitaries at the Residencias Tequendama in Bogota on February 24, 2005.) (See: Colombian Commission of Jurists, [http://www.coljuristas.org/documentos/documentos\\_pag/pop.htm](http://www.coljuristas.org/documentos/documentos_pag/pop.htm).)

[12] *"According to the information gathered and processed by the Fundación Seguridad y Democracia, from July 2006 to February 2007, there were 78 cases of rearmament of criminal organizations that entered to occupy those territories were self-defense forces already demobilized. These cases were concentrated in the departments of Antioquia with 23%, Magdalena and Tolima with 14% each, Casanare with 13%, Meta, Norte de Santander and Valle del Cauca with 12% each. Additionally, the Mission to Support the Peace Process (MAPP/OEA) asserted in its eighth report that as a result of its verification efforts, 22 new structures were identified, which were made up of approximately three thousand members, of which an important part were members of the self-defense forces demobilized during the peace process. Concerning eight of these structures, there were grounds of a possible rearmament phenomenon. These cases are constituted as alerts. The remaining 14 cases were fully verified by the Mission [...] A characterization of the emerging organizations of paramilitarism must seen by the intensity of its link with the structures making up the self-defense groups that entered into the peace process with the Uribe government."* (See: "Rearme paramilitar,"

Fundación Seguridad y Democracia, Bogota, June 1, 2007, <http://www.seguridadydemocracia.org/docs/pdf/especiales/informeEspecial16-2.pdf>.)

[13] "According to figures provided by the Ministry of National Defense, a total of 44,667 members of illegal armed groups have demobilized, of which 31,687 members of paramilitary groups have availed themselves of the collective demobilization process. Additionally, 12,980 persons have themselves of the individual demobilization mechanism, of which 8,938 were involved in insurgent organizations and 3,601 belonged to self-defense groups. In other words, a total of 35,288 paramilitaries have demobilized. Of these 35,288 demobilized paramilitaries, 2,782 have applied to benefit from the Justice and Peace procedure, according to information provided by the Office of the High Commissioner for Peace. This figure is contradictory to that revealed by the National Commission for Reparation and Reconciliation, which estimates the number of applications to be 2,715. For its part, the Attorney General's Office registered a total of 3,017. All of these figures are handled simultaneously." (See: "La Desmovilización Paramilitar, en los Caminos de la Corte Penal Internacional," International Federation for Human Rights, October 2007.)

[14] See: Ruling T-025 of 2004 and later follow-up rulings.

[15] "Quejas sobre violación de derechos humanos por la Fuerza Pública aumentan en Colombia, dice la ONU," El Tiempo, March 16, 2007, [http://www.eltiempo.com/politica/2007-03-16/ARTICULO-WEB-NOTA\\_INTERIOR-3478050.html](http://www.eltiempo.com/politica/2007-03-16/ARTICULO-WEB-NOTA_INTERIOR-3478050.html).

[16] "In order to better visualize the mechanisms through which State terrorism is practiced, we could first indicate those elements referring to the MANAGEMENT OF THE CONFLICT and then those referring to the SYSTEMATIC STRUCTURES, INSTITUTIONS, OR PRACTICES. A) In the MANAGEMENT OF THE CONFLICT, the State practices terrorism when it violates the fundamental rules of the 'Law of Warfare.' The most repeated of these violations tends to be: 1) The non-distinction between combatants and non-combatants, which results in treating the non-combatant civilian population –its residential or work areas or means of subsistence- as a "military objective" or target of attack or repression. Ordinarily, these practices are justified by alleging the combatants camouflage themselves as civilian population. At the same time, this explanation also justifies all the repression practiced against community, social, humanitarian and political organizations that oppose -or take on critical positions of- the status quo. This indiscrimination is also projected into the criminal/judicial field as well, confusing insurgency with forms of opposition political activism, or giving them the same treatment, in this way establishing the 'crime of opinion.' [...] 2) Degrading or cruel treatment of human beings: even if repression is practiced against real insurgents, the 'Law of Warfare' is also violated because of the excessive force against the enemy; because of the cruelty; because of the useless destruction (which is not necessary to obtain a military advantage); because of the human dignity is ignored. The most recurrent methods are: torture; cruel, inhumane and degrading treatment; forced disappearance of persons; extrajudicial executions; sexual aggression or offences against decency; denial of fair trials, the practice of procedural rights and humane prison conditions, when all of these practices are legitimized as actions or procedures of war. [...] B) However State terrorism also has MORE STRUCTURAL INSTITUTIONAL AND SYSTEMATIC EXPRESSIONS. Even though said expressions still refer to the internal conflict or war, they affect the structures and institutions of the very State in its normal functioning, as for instance the role of the public force or the administration justice. At this structural or institutional level, the State principally practices Terrorism by these means: 1) Ideologies or doctrines not explicitly accepted by State functionaries, but the adoption of which as a guide is principally demonstrated in the systematic nature of the actions and procedures that adapt to its assumptions. In the first place, it is worth mentioning the "Ideology of National Security" [...] 2) Paramilitarism, understood to the confusion or uncertainty in the border between civilian and

*military, be it due to using civilians in military actions or to the military acting sub specie civili (under the aspect of civilian). When Paramilitarism becomes a State policy, as in the evident case of Colombia, this not only creates vague fields of risk for the fundamental human values of life, integrity or liberty, rather Paramilitarism deservedly answers to the strategy of assaulting these values concealing or covering up the State's responsibility and therefore facilitating to the maximum the indiscriminate attack against life, integrity or liberty. [...] 3) "Justice without a Face" is another way assumed by State Terrorism, in this manner principally affecting the value of liberty. [...] 4) Impunity, especially when it is supported by structural and institutional mechanisms of the administration of justice, constitutes another method assumed by State Terrorism. If those who constantly put in high risk the fundamental values of life, integrity or liberty, enjoy the guarantee of impunity (and it takes root in institutional mechanisms), the constant threat against these values is effectively endorsed by the State. As a result, these values are kept besieged by a high risk." (See: "El Terrorismo de Estado," Father Javier Giraldo, November 23, 2004, <http://www.javiergiraldo.org/spip.php?article88>.)*

[17] "El Mercenario," Revista Semana, June 18, 1990, Edition No. 420, [http://www.semana.com/wf\\_InfoArticulo.aspx?IdArt=27229](http://www.semana.com/wf_InfoArticulo.aspx?IdArt=27229).

[18] "Vladimir se Confiesa," Revista Semana, August 11, 1997, Edition No. 793, [http://www.semana.com/wf\\_InfoArticulo.aspx?IdArt=33722](http://www.semana.com/wf_InfoArticulo.aspx?IdArt=33722).

[19] "Mercenario condenado," Revista Semana, March 18, 2002, Edition No. 1037, [http://www.semana.com/wf\\_InfoArticulo.aspx?IdArt=21860](http://www.semana.com/wf_InfoArticulo.aspx?IdArt=21860).

[20] "Furthermore, Israel seeks extradition, despite being captured in Moscow last month, thanks to a Colombian red notice. As was reported to his superiors and the Ministry of Foreign Affairs, the Interpol commission, which returned to the country 17 days ago after being in Moscow negotiating the delivery of the mercenary. 'It can be considered to be much greater than paying the ten-year prison sentence pending in the country,' explained one of the sources." (See: "El mercenario Yair Klein se salvaría de extradición a Colombia por tener 64 años," El Tiempo, September 27, 2007, [http://www.eltiempo.com/justicia/2007-09-27/ARTICULO-WEB-NOTA\\_INTERIOR-3740321.html](http://www.eltiempo.com/justicia/2007-09-27/ARTICULO-WEB-NOTA_INTERIOR-3740321.html).)

[21] Despite this shameful chapter in the history of Colombia, presently "Israeli reserve general Israel Ziv, advises the Colombian government on matters of security [...] Ziv, former commander of the Gaza regiment and former operations commander, is the highest ranking military member among those carrying out security assignments, and among them personnel training and personal protection services, among other tasks." (See: "Militar israelí asesora al Gobierno en seguridad," El País, September 2007, <http://www.elpais.com.co/paionline/notas/Agosto292007/milisrae.html>.)

<sup>1</sup> "Atrapados en Bagdad," Revista Semana, August 19, 2007, Edition 1268, [http://www.semana.com/wf\\_InfoArticulo.aspx?IdArt=96550](http://www.semana.com/wf_InfoArticulo.aspx?IdArt=96550); "Contratación controvertida," Hernando Salazar, BBC Mundo, [http://news.bbc.co.uk/hi/spanish/specials/2006/mercenarios/newsid\\_5300000/5300032.stm](http://news.bbc.co.uk/hi/spanish/specials/2006/mercenarios/newsid_5300000/5300032.stm); "Una aventura peligrosa: contratan ex militares colombianos para matar en Iraq," Carlos Quintanilla, CSCAweb, December 15, 2007, [http://www.nodo50.org/csca/agenda2004/iraq/latinos\\_15-12-04.html](http://www.nodo50.org/csca/agenda2004/iraq/latinos_15-12-04.html); "Investigarán a empresa estadounidense que contrata mercenarios colombianos para Iraq," Leovany García Prensa Latina, August 13, 2005, <http://colombia.indymedia.org/news/2005/08/29345.php>; "Asesinan a capitán retirado que reclutaba colombianos para guerra en Irak," El Tiempo, May 31, 2007, [http://www.eltiempo.com/justicia/2007-06-01/ARTICULO-WEB-NOTA\\_INTERIOR-3578466.html](http://www.eltiempo.com/justicia/2007-06-01/ARTICULO-WEB-NOTA_INTERIOR-3578466.html).

[22] Ibid.

[23] "Mil mercenarios colombianos, listos para ir a Irak por la mitad del salario que cobran en Estados Unidos," Noticias Ya.com, February 8, 2005, <http://noticias.ya.com/mundo/12/08/2005/mercenarios-colombianos-irak.html>.

[24] See the news report at: <http://poorbuthappy.com/colombia/post/soldados-de-otros-paises-entrenan-entre-los-mejores-del-mundo/>.

[25] "[...] *The group was made up of several retired Israeli army officers, headed by a general permanently accompanied by two colonels, another junior officer and three argentine translators, since not one of them spoke Spanish. There are other advisors that travel to the country when needed for a conference or a very specialized training. The operations base for this group is located at Tolemaida (Nilo, Cundinamarca), and its intervention is of the highest level, since they are working in two areas that are critical in the whole defense sector: improving intelligence, and command and control processes. In other words, trying to fix the chaos existing in these areas. The advising has already born its fruit. One of them is the interviews held with the demobilized combatants. [...] They are proposing mechanisms to protect information. "They are teaching us how to keep a secret, to transform information in operations, and to keep all the persons involved in the task from wanting to appear in the newspaper," stated an intelligence agent who received training from them. "They are like psychoanalysts. They ask us the questions and help us see all the problems we have and that we do not see", said Sergio Jaramillo, vice minister of Defense.*" (See: "De Tel Aviv a Tolemaida," Revista Semana, August 4, 2007, Edition 1318, [http://www.semana.com/wf\\_InfoArticulo.aspx?IdArt=105405](http://www.semana.com/wf_InfoArticulo.aspx?IdArt=105405).)

[26] Congressional Report: Half of U.S. military aid goes through private contractors, <http://www.cipcol.org/?p=416>.

[27] Full text available at: <http://www.cipcol.org/?p=416>.

[28] DynCorp is a private security company created in 1946 by a group of US pilots, under the name of California Eastern Airways Inc. as an airfreight business. It has used its present name since 1987. Currently, it has more than 15,000 employees, operates on all continents, and boasts annual revenue of nearly two billion dollars. It has been stated DynCorp first entered in Colombia in 1993 or 1994, as a part of the bi-national cooperation agreements signed between the governments of Colombia and the United States. According to its registration in the Colombian Chamber of Commerce, the enterprise has the following social purpose: "*providing support services for bilateral antinarcotics programs between the US and Colombian governments.*" DynCorp is the most representative and has operated in Colombia the longest. Furthermore, it has the largest service contracts with Plan Colombia and has been most implicated in the commission of crimes in this country as well as violations to human rights caused through its aerial spraying operations. (See: "Accusation against the Transnational DynCorp," Permanent Peoples' Tribunal, Hearing on Biodiversity, Humanitarian Zone of Cacarica, Lower Atrato, Colombia, February 24 to 27, 2007, [http://www.colectivodeabogados.org/article.php3?id\\_article=1110](http://www.colectivodeabogados.org/article.php3?id_article=1110).)

[29] Olgoonik Corporation, headquartered in Wainwright, Alaska, EEUU, was founded in 1973 by Inupiat Alaskan natives. (See corporate website: <http://www.olgoonik.com>.) However, it only entered into military contracting in 1999 and since 2002 it has been awarded more than 225 million dollars in contracts for construction works at US military installations. According to Jeffrey St. Clair, "*[t]hrough the legislative magic of Ted Stevens, Alaska Native Corporations enjoy cushy loopholes when it comes to federal contracts. For one thing, they can continue to maintain their small business status even when they are bringing in millions in revenue. This special dispensation allows them to be exempt from the \$3 million federal cap on no-bid service contracts that are in place for other minority small businesses.*" (See: Jeffrey St. Clair,



"Contract Casino," Counterpunch, March 22, 2006, <http://www.counterpunch.org/stclair03222006.html>.) Presently, Olgoonik has 175 employees, but only seven are tribal members and the enterprise Halliburton is an important partner in carrying out the different contracts. (See: Michael Scherer, "Little Big Companies," Mother Jones, January/February 2005, [http://www.motherjones.com/commentary/notebook/2005/01/11\\_400.html](http://www.motherjones.com/commentary/notebook/2005/01/11_400.html).) (US Vicepresident Dick Cheney was chairman of Halliburton until 2000 and it has received the most profitable contracts for the occupation of Iraq.) As an example of the corruption arising from no-bid contracts, until 2007 a Bolivian company provided meals to nearly 1,500 Bolivian soldiers and police officers as a part of the antinarcotics activities financed by the United States in the country. The Bolivian company cost 3.34 per soldier per day. Since March 2007, Olgoonik began to provide the meals, but at the cost of \$5.16 per soldier per day. (See: What Ted Stevens, Bolivian cocaine and Halliburton have in common, Michael Scherer, Salon.com, June 19, 2007, <http://www.salon.com/news/feature/2007/06/19/halliburton>.)

[30] Aeronautical Radio, Incorporated, ARINC, founded in 1929, is an important transportation communications provider. (See corporate website: <http://www.arinc.com>.) Currently, the company has more than 3,200 employees in more than 120 locations worldwide. In July 2007, ARINC Inc. shareholders announced the purchase of 90% of its shares to the US Carlyle Group. (See: "The Carlyle Group to Acquire ARINC Incorporated," Arinc Inc., July 5, 2007, <http://www.arinc.com/news/2007/07-05-07.html>.) The Carlyle Group, a private equity firm with over \$50 billion dollars under management, has or has had some of the most influential persons in the world as company officials, directors, advisors, or shareholders, including former president George Herbert Walker Bush, former Secretary of State James Baker III, former British Prime Minister John Major, and former Secretary of Defense Frank C. Carlucci, among many others. (See: Carlyle group, Sourcewatch, [http://www.sourcewatch.org/index.php?title=Carlyle\\_Group](http://www.sourcewatch.org/index.php?title=Carlyle_Group).) According to the book "*House of Bush, House of Saud*," family members of Osama Bin Laden were significant shareholders until 2001. (See: Craig Unger, "The great escape," Salon, March 11, 2004, [http://dir.salon.com/story/books/feature/2004/03/11/unger\\_1/index\\_np.html](http://dir.salon.com/story/books/feature/2004/03/11/unger_1/index_np.html).)

[31] Oakley Networks, headquartered in Salt Lake City, Utah, USA, was founded in 2001 and employs about 200 persons. (See corporate website: <http://www.oakleynetworks.com>.) The company provides computer protection and security services to the US government and several US transnationals. In September 2007, Raytheon Company acquired Oakley Networks. (See: Oakley, <http://www.oakleynetworks.com/news/raytheon.php>.) Raytheon, one of the largest US military contractors, generated more than 20 billion dollars in revenue in 2006 and employed more than 73,000 persons. Presently, John M. Deutch, former CIA director, is a member of their board of directors. (See: Condé Nast Portfolio, <http://www.portfolio.com/resources/company-profiles/3788>.)

[32] For further information on DynCorp, see: "Accusation against the Transnational DynCorp," Permanent Peoples' Tribunal, Session on Colombia, Hearing on Biodiversity, Cacarica, Lower Atrato, February 2007, [http://www.colectivodeabogados.org/article.php3?id\\_article=1110](http://www.colectivodeabogados.org/article.php3?id_article=1110).

[33] ManTech International Corporation, headquartered in Fairfax, Virginia, USA, was founded in 1968 and works closely with different US agencies in matters related to security. (See corporate website: <http://www.mantech.com>.) It has specialized in systems engineering, software development, enterprise security architecture, information assurance, intelligence operations support, network and critical infrastructure protection, information technology, communications integration and engineering support. Presently, ManTech employs about 7,000 persons in 42 countries worldwide. By way of example, the company supports the telecommunication systems

used in the occupation of Iraq, provides physical and cybernetic security to US embassies worldwide, has developed safe and collaborative communication systems for the US National Security Department, and builds and maintains databases on persons considered supposed terrorists. (See: ManTech, <http://www.mantech.com/careers>.) Current board of directors include important US civilian and military leaders, such as Richard L. Armitage (deputy secretary of State from 2001 to 2005), Mary K. Bush (alternate executive director to the International Monetary Fund during the first Reagan administration), Admiral (Ret.) David E. Jeremiah (former chairman of the Joint Chiefs of Staff for generals Powell and Shalikashvili), Richard J. Kerr (deputy director of the CIA from 1989 to 1992), and General (Ret.) Kenneth A. Minihan (director of the Defense Intelligence Agency from 1995 to 1996 and director of the National Security Agency from 1996 to 1999), among others. (See: Mantech, <http://www.mantech.com/about/board.asp>.)

[34] ITT Corporation is one of the largest manufacturers in the United States. In 2006, it generated \$7.8 billion dollars in revenue. (See: ITT Corporation, Wikipedia, [http://en.wikipedia.org/wiki/ITT\\_Corporation](http://en.wikipedia.org/wiki/ITT_Corporation).) The company is also one the principal defense contractors for the US military industry. ITT was initially founded in 1920 as International Telephone & Telegraph. According to the book *"The Sovereign State of ITT"*, Sosthenes Behn, then general director of ITT, was one of the first US businessmen to meet with Adolph Hitler after taking power in 1933. In the same sense, according to the book *"Wall Street and the Rise of Hitler"*, ITT subsidiaries made cash payments to Nazi leader Heinrich Himmler. In March 2007, ITT Corporation was the first US military contractor to be convicted for violating the Arms Export Control Act in relation to the export of night vision goggle systems and classified information on laser technology. (See: "ITT Corporation to Pay \$100 Million Penalty and Plead Guilty to Illegally Exporting Secret Military Data Overseas," Department of Justice, March 27, 2007, [http://www.usdoj.gov/opa/pr/2007/March/07\\_nsd\\_192.html](http://www.usdoj.gov/opa/pr/2007/March/07_nsd_192.html).)

[35] Northrop Grumman Corporation is the third largest arms manufacturer for US military forces and the principal ship manufacturer for the navy. (See: Northrop Grumman, Sourcewatch, [http://www.sourcewatch.org/index.php?title=Northrop\\_Grumman](http://www.sourcewatch.org/index.php?title=Northrop_Grumman).) Northrop Grumman presently employs 120,000 persons through the world. In 2003, the company generated \$18.7 billion dollars in revenue for its military contracts. It has specialized in defense electronics, warships, radar and missile systems and space systems, including the B-2 Stealth Bomber. Additionally, at least seven former officials, consultants, or shareholders of Northrop Grumman have held positions in the Bush administration, including Paul Wolfowitz, former Deputy Secretary of Defense, I. Lewis Libby, former Vice-Presidential Chief of Staff, Dov Zakheim, Pentagon Comptroller, and Sean O'Keefe, director of NASA. (See: Northrop Grumman, Corpwatch, <http://www.corpwatch.org/article.php?list=type&type=11>.) I. Lewis Libby was convicted and sentenced thirty months in prison for lying to federal prosecutors about his participation in the case of leaking the identity of CIA agent Valerie Plame. (See: Headlines, Democracy Now!, June 6, 2007, <http://www.democracynow.org/2007/6/6/headlines>.)

[36] Lockheed Martin was formed in 1995 with the merger of Lockheed Corporation and Martin Marietta. It is headquartered in Bethesda, Maryland, USA, and employees about 125,000 persons throughout the world. Lockheed Martin is the largest weapons manufacturer in the world and specializes in research, design, development, manufacture and integration of advanced technology systems, products and services. Nearly 80% of Lockheed Martin's revenue comes from the US Department of Defense and other US government agencies. (See: Lockheed Martin, Sourcewatch, [http://www.sourcewatch.org/index.php?title=Lockheed\\_Martin](http://www.sourcewatch.org/index.php?title=Lockheed_Martin).) Lockheed products included the *Trident* missile, the DSCS-3 satellite, and P-3 *Orion*, F-16 *Fighting Falcon*, F-22 *Raptor*, C-130 *Hercules*, and A-4AR *Fightinghawk* aircraft. (See: Lockheed, Wikipedia, [http://en.wikipedia.org/wiki/Lockheed\\_Martin](http://en.wikipedia.org/wiki/Lockheed_Martin).) Martin Marietta specialized in space exploration equipment. On September 23,

1999, the Mars Climate Orbiter was destroyed because Lockheed Martin (the principle private contractor for the mission) used English units of measurement to calculate the landing parameters, while the while the NASA used the metric system. (See: "Metric mishap caused loss of NASA orbiter," CNN.com, September 30, 1999, <http://www.cnn.com/TECH/space/9909/30/mars.metric.02.>)

[37] Telford Aviation Services was founded in 1982 as a charter flight operator. (See corporate website: <http://www.telfordaviation.com.>) Although its main office is in Bangor, Maine, USA, it facilities for its "*government programs*" is located in Dothan, Alabama, USA. These "*government*" services include maintenance of aircraft and air installations, material and technical logistics support, and system maintenance and system training on special mission equipment, among other activities.

[38] King Aerospace, headquartered in Addison, Texas, was created in 1992 by Jerry King-Echevarria to support the US air force with its fleet of E-9A (DHC-8) aircraft. (See corporate website: <http://www.kingaerospace.com.>) King Aerospace provides engineering services, modifications, airframe, engine and avionics maintenance, and inspection support. The company also provides comprehensive logistic services, mission equipment operators, and operator certified training. Furthermore, the company frequently provides ground base and airborne support for weapons testing, which includes radar services, routine repairs, modifications through full system design, engineering, fabrication, installation, training and systems analysis.

[39] CACI Inc. was founded in 1962 as California Analysis Center Incorporated and was renamed Consolidated Analysis Centers, Inc. in 1968 (See: CACI International, Sourcewatch, [http://www.sourcewatch.org/index.php?title=CACI\\_International.](http://www.sourcewatch.org/index.php?title=CACI_International.)) The enterprise was created in the 1960s by Herbert Karr and Harry Markowitz, the latter Nobel laureate in Economics in 1990. (CACI Inc., Wikipedia, <http://en.wikipedia.org/wiki/CACI.>) The company's first government contracts were for "*custom-written computer languages that could be used to build battlefield simulation programs.*" (See: Pratap Chatterjee and A.C. Thompson, "Private Contractors and Torture at Abu Ghraib," CorpWatch, May 7, 2004, <http://www.corpwatch.org/article.php?id=10828.>) Presently the company employees more than 10 thousand persons and has specialized in computer systems, network services, computer security, simulations, and engineering and logistics. Additionally, its board of directors have included important US military and civilian leaders, including Barbara McNamara (former deputy director of the National Security Agency), Arthur L. Money (former deputy secretary of the Department of Defense), and General (Ret.) H. Hugh Shelton (former green beret, led the invasion and occupation of Haiti in 1994, former commander general of the Special Operations, former chairman of the US Joint Chiefs of Staff and current board member of Red Hat, company responsible for the creation and maintenance of a distribution system of the GNU/Linux operating system), among others. In May 2004, CACI Inc. became linked to the systematic torture employed at the Abu Ghraib prison in Iraq, when a classified US army report implicated two of private contract workers, Stephen Stephanowicz and John Israel. (See: CorpWatch, Ob Cit.) Specifically, the report found that private contract interrogator Stephanowicz allowed the military police to terrorize the prisoners and that "*he clearly knew his instructions equated to physical abuse.*" (See: Investigation of the 800th Military Police Brigade, Maj. Gen. Antonio M. Taguba, <http://www.agonist.org/annex/taguba.htm.>)

[40] TATE Incorporated (Trusted Agent for Technology and Engineering), based in Germantown, Maryland, USA, "*was founded in 1994 to provide support to the high-risk operator, specifically focusing on personnel recovery.*" (See corporate website: <http://www.tate-inc.com.>) "*With approximately 250 employees, TATE is now the nation's leading private contractor providing Survival, Evasion, Resistance and Escape (SERE), Peacetime Governmental Detention (PGD), Hostage Detention (HD), Personnel Recovery (PR) plans and*

*operations and other sensitive training support to the U.S. government."* (See: "Major Government Employment Firm Reaches Out to Hire U.S. Veterans," Hire Veterans, <http://hireveterans.blogspot.com/2007/10/tate-incorporated-partners-up-with.html>). According to the corporate website, "TATE, Incorporated is dedicated to ensuring that personnel recovery is integrated into all facets of U.S. Military and U.S. Government training, planning, technology development, testing and fielding, and mission execution." Its clients have included the US Air Force, the US Army, and the Defense Intelligence Agency, among other government agencies.

[41] Chenega Federal Systems, CFS, was created by Alaskan natives from Chenega Village in 2005. (See corporate website: <http://www.chenegafederal.com>.) According to Jeffrey St Clair of Counterpunch, "*Chenega, however, appears to be a native corporation in name only. Of its 2,300 employees, only 33 are Alaskan natives. The headquarters of the company is located not in Anchorage or Juneau, but in shiny glass building in toney Alexandria, Virginia, just down the road from the Pentagon.*" Furthermore, he asserts "[t]hrough the legislative magic of Ted Stevens, Alaska Native Corporations enjoy cushy loopholes when it comes to federal contracts. For one thing, they can continue to maintain their small business status even when they are bringing in millions in revenue. This special dispensation allows them to be exempt from the \$3 million federal cap on no-bid service contracts that are in place for other minority small businesses." (See: Jeffrey St. Clair, "Contract Casino," Counterpunch, March 22, 2006, <http://www.counterpunch.org/stclair03222006.html>.) According to its corporate website, it has specialized in the analysis and management of intelligence gathering, linguistics, information technology, comprehensive logistics support, program management, and support to military operations. Over the last few years, its growth has been continuous. For instance, in October 2006, Chenega was awarded a five-year contract (valued at 260 million dollars) to support the Psychological Operations Program Office of the United States Special Operations Command. (See: Military Industrial Complex, Chenega Federal Systems, October 30, 2006, [http://www.militaryindustrialcomplex.com/contract\\_detail.asp?contract\\_id=3](http://www.militaryindustrialcomplex.com/contract_detail.asp?contract_id=3).) Likewise, it was awarded another five-year contract (valued at 250 million dollars) to transport and deport undocumented immigrants in the United States. (See: Joseph Richey, "Fencing the Border: Boeing's High-Tech Plan Falters," The Nation Institute, July 9, 2007 [http://www.nationinstitute.org/ifunds/34/fencing\\_the\\_border\\_boeing\\_s\\_high\\_tech\\_plan\\_falters](http://www.nationinstitute.org/ifunds/34/fencing_the_border_boeing_s_high_tech_plan_falters).) Additionally, in October 2007, it had 16 "interrogators/strategic briefers" at the US base in Guantanamo, Cuba, as a part of a contract valued at more than 150 million dollars. (See: Griff Witte and Renae Merle, "Contractors Are Cited in Abuses at Guantánamo," Washington Post, January 4, 2007, Page D01, <http://www.washingtonpost.com/wp-dyn/content/article/2007/01/03/AR2007010301759.html>.)

[42] PAE Government Services (see corporate website: <https://www.pae-react.com/Default.asp>), a subsidiary of the Lockheed Martin Corporation, specializes in the execution of operations and the deployment of security forces in conflict areas.

[43] OMNITEMPUS LTDA (see corporate website: <http://www.omnitempus.com>), a Colombian security company, was founded on September 18, 1990, and presently employs almost 1000 persons. According to the company website, its principal objective is "*to provide services for physical security, protection of property and persons, technological means, and related services (audits, consulting, counter-surveillance and investigations).*" Currently, it provides surveillance and security services for several multinational enterprises and embassies, including the US embassy, the Italian embassy, the Swedish Embassy, BASF Chemicals, Colmotores GMC, Eveready, Gillette Colombia, IBM, Laboratorios Roche, Laboratorios Frosst, Leo Buernett, Nokia, Phillips Morris, Hotel Meliá SantaFe. On November 29, 2005, the Workers Central Labor Confederation, CUT, denounced that, after affiliating more than one hundred workers to the *Sindicato Único de Vigilantes de*

Colombia, Sinuicol, and presenting a list of demands, Omnitempus Ltda. unleashed "*vicious persecution against the unionized workers and applied a policy of discrimination and harassment against them, including lay-offs.*" (See: "Denunciamos a la empresa Omnitempus por su política antisindical," Central Unitaria de Trabajadores, November 29, 2005, <http://colombia.indymedia.org/news/2005/11/34817.php>.)

[44] This construction company, based in Las Cruces, New México, EEUU, is an important research and develop center for US nuclear and satellite sectors. (See: <http://directoryplus.com/profile.do?listingId=550238&city=Las%20Cruces>.)

[45] U.S. Naval Mission Bogota Riverine Plans Officer is a position contracted by the US army. Among other factors, this post requires the candidate to have a current US passport and US government secret clearance (though Top Secret access is preferred). (See: FedBizOpps, <http://www.fbodaily.com/archive/2006/01-January/19-Jan-2006/FBO-00967582.htm>.)

[46] Science Applications International Corporation, SAIC, a research and engineering company, was founded by the nuclear physicist J. Robert Beyster in 1969. (See: Science Applications International Corporation, Wikipedia, [http://en.wikipedia.org/wiki/Science\\_Applications\\_International\\_Corporation](http://en.wikipedia.org/wiki/Science_Applications_International_Corporation).) In 2007, SAIC employed over 44,000 persons in 150 places in the world and reported \$7.8 billion dollars in revenue. This technology firm works closely with the US Defense Department and other intelligence agencies, including the National Security Agency. In 2003, SAIC had more than \$2.6 billion dollars of business with the US Defense Department. Throughout its history, this company has had several senior US government officials as members of its management or board of directors, including Melvin Laird (former secretary of the Defense Department), William Perry (former secretary of the Defense Department), John Deutsch (former CIA director), Admiral Bobby Ray Inmanalto (former senior official at the CIA and the National Security Agency), and David Kay (who lead the search for weapons of mass destruction in Iraq for the United Nations in 1992 and for the Bush administration in 2003). The close relationship between this company and US spy agencies has been successful and presently SAIC is the largest recipient of contracts from the National Security Agency and one of the top five for the CIA. According to SAIC employee Keith Nightingale, former Army special ops officer, "*We are a stealth company. [...] We're everywhere, but almost never seen.*" (See: Science Applications International Corporation, CorpWatch, <http://www.corpwatch.org/article.php?list=type&type=17>.)

[47] José Alvear Restrepo Lawyers' Collective. Ob Cit.

[48] Including disdain for the principle of PRECAUTION in environmental matters, among other rights.