

76-0243



098291

REPORT TO THE CONGRESS

GENERAL ACCOUNTING OFFICE
UNITED STATES DEPARTMENT OF THE TREASURY

FEB 26 1976



BY THE COMPTROLLER GENERAL
OF THE UNITED STATES



LM098291

Stopping U.S. Assistance To Foreign Police And Prisons

Departments of Defense and State
Agency for International Development

In December 1973 and December 1974, the Congress passed legislation stopping U.S. assistance to foreign police forces and prisons, except in the area of narcotics control. GAO visited seven countries to see whether the prohibited assistance was phased out.

GAO found the agencies took positive action to prevent assistance from being used by foreign police forces. However, GAO believes the Congress should consider the need to clarify its intent regarding indirect support to units performing law enforcement functions and the question of military assistance to countries under martial law. GAO is also recommending end-use checks on narcotics control funded assistance and a reexamination of certain dual-purpose units in Military Assistance Program countries.

ID-76-5

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FEB. 19, 1976



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-170474

To the President of the Senate and the
Speaker of the House of Representatives

This report examines the actions taken by the Departments of State and Defense and the Agency for International Development to comply with legislation stopping assistance to foreign police and with sense of the Congress legislation concerning political prisoners and human rights. 32, 5, 1-

Our review was made pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the Director, Office of Management and Budget; Secretary of State; the Secretary of Defense; and the Administrator, Agency for International Development.

James B. Heath
Comptroller General
of the United States

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ABBREVIATIONS

AID	Agency for International Development
DOD	Department of Defense
GAO	General Accounting Office
MAP	Military Assistance Program

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

STOPPING U.S. ASSISTANCE TO
FOREIGN POLICE AND PRISONS
Departments of Defense and State
Agency for International
Development

D I G E S T

In December 1973 and December 1974, the Congress passed legislation stopping U.S. assistance to foreign police forces and prisons, except in the area of narcotics control. The legislation was aimed primarily at public safety programs of the Agency for International Development, but also included military assistance programs of the Department of Defense.

The legislation also indicated that it was the "sense of the Congress" that the President deny or substantially reduce assistance to any government that imprisons its citizens for political purposes or engages in a consistent pattern of gross violations of human rights.

GAO visited seven countries--Indonesia, Thailand, the Philippines, South Vietnam, Zaire, Guatemala, and Uruguay--to see whether the prohibited assistance was phased out.

GAO found that the agencies had taken positive action to prevent assistance from being used by foreign police forces.

The Agency for International Development phased out its public safety programs as directed by the Congress. (See ch. 3.)

The Agency, through the State Department, still assists foreign police in narcotics control. Equipment bought for foreign police to use in controlling narcotics increased substantially--from \$2.2 million in fiscal year 1973 to \$12.5 million in 1974. (See ch. 4.)

Although the primary purpose of the Department of Defense's military assistance program is not law enforcement,

support was provided to foreign military units performing law enforcement functions and to civilian police organizations as part of Defense's objective of improving the internal security forces of friendly governments.

Defense attempted to identify and eliminate ineligible recipients from its programs and did cut off direct assistance, but GAO found that indirect assistance could continue to support law enforcement activities in foreign countries because

- common-use facilities supported with U.S. military assistance are used by ineligible units,
- foreign military personnel receiving military assistance program funded training could be rotated to law enforcement assignments,
- certain foreign military units with dual military and law enforcement roles were not identified as such and continued to receive military assistance, and
- military forces in countries under martial law could perform civilian police functions. (See ch. 5.)

Defense believes few governments would willingly risk losing U.S. military assistance by large-scale indirect support of law enforcement activities. Further, Defense contends that the Congress does not intend for military assistance to be prohibited to countries under martial law or to units assigned dual military-police functions.

The State Department faces a difficult and sensitive problem in implementing the political prisoners and human rights resolutions. There are no precise definitions of "political prisoner" and "political purpose."

U.S. Embassies abroad generally believe that cutting off assistance would be counter productive because such action would complicate bilateral relations or remove any leverage

or influence the U.S. has in promoting respect for human rights and fundamental freedoms.

State believes the resolutions are not legal requirements to deny aid and prefers to use low-keyed diplomatic approaches and work through international organizations on human rights/political prisoner issues. State has not cut off any assistance pursuant to the resolutions. It is continuing to work on the problem. (See ch. 6.)

GAO recommends that the Secretary of State institute a formal system of end-use monitoring checks on major equipment items provided to foreign governments for narcotics control. Further, have U.S. missions periodically check police units receiving narcotics control funded assistance to insure that these units are not engaged in regular law enforcement activities.

GAO recommends that the Secretary of Defense:

--Reexamine the dual-purpose units GAO identified and similar units in other military assistance program recipient countries to determine whether these units are performing law enforcement functions and terminate any prohibited assistance.

--Periodically review military assistance program supported military units for changes in their missions or activities which would violate the prohibition.

Because of the difference in GAO's and Defense's views, the Congress should consider the need to clarify its intent regarding continuing indirect support, such as through common-use facilities and rotation of military assistance program trained personnel, to units performing law enforcement functions and the broader question of military assistance to countries under martial law.

CHAPTER 1

INTRODUCTION

For many years the United States assisted foreign countries in support of police organizations, law enforcement, and public safety programs. U.S. assistance was channeled through (1) programs managed by the Office of Public Safety, Agency for International Development (AID), (2) the Military Assistance Program (MAP), and (3) the Military Assistance Service Funded program in South Vietnam. AID and MAP programs were funded under appropriations authorized by the Foreign Assistance Act and the Military Assistance Service Funded program by appropriations of the U.S. military services.

The public safety program began in 1954. Since then, 52 countries have received technical assistance, and over 10,700 foreign police officers were trained in the United States. Data on costs of the public safety program was not available for all countries. However, we did identify the following AID and Department of Defense (DOD) program costs, totaling approximately \$410 million for the seven countries we visited.

<u>Country</u>	<u>Year program began</u>	<u>Cost</u> (000 omitted)
South Vietnam	1955	\$240,000
Thailand	1957	120,100
Philippines	1957	12,289
Indonesia	1954	17,683
Zaire	1963	12,213
Uruguay	1964	2,400
Guatemala	1956	5,400
Total		<u>\$410,085</u>

MAP programs are not primarily concerned with civil police and law enforcement functions. However, some foreign government institutions receiving assistance have dual defense and law enforcement roles. MAP resources, therefore, have assisted law enforcement efforts in some countries as part of DOD's overall objective of improving the internal security of those governments.

Questions concerning U.S. assistance to police and law enforcement organizations in foreign countries and the related issue of incarceration and treatment of political prisoners have been raised by numerous Members of Congress

and others in recent years. Congressional debates during 1973 over the public safety issue culminated in passage of legislation in December 1973, directing that Foreign Assistance Act funds no longer be used to assist police forces in foreign countries by August 17, 1974. In December 1974 legislation was enacted which prohibited training foreign police in the United States after July 1, 1975. This legislation effectively ended AID involvement in public safety activities.

A recurring criticism regarding U.S. assistance to foreign law enforcement organizations is that U.S. assistance, in effect, supports authoritarian regimes that use repressive tactics, including imprisonment, to suppress political opposition and dissent. Thus, the issue of political prisoners is linked with the issue of U.S. assistance to foreign civilian or military law enforcement organizations.

U.S. assistance to the police forces of South Vietnam was the focus of particular criticism. AID and DOD provided at least \$240 million in public safety assistance to South Vietnam from 1955 to 1974. The Vietnam ceasefire agreement of January 1973 required all U.S. advisors to South Vietnamese police forces to leave South Vietnam by the end of March 1973. In December 1973 and January 1974, the President signed legislation prohibiting use of Foreign Assistance Act funds for public safety projects, prisons, police organizations, and related activities in South Vietnam. We completed our fieldwork in South Vietnam in September 1974, before it fell to the Communists. In view of South Vietnam's unique circumstances, our findings regarding that country are reported separately as appendix I.

SCOPE OF REVIEW

Our objective in this review was to respond to numerous requests for information from Members of Congress regarding the question of whether assistance to police and law enforcement organizations in foreign countries was phased out as directed by the Congress and to obtain information on the related issues of incarceration and treatment of political prisoners.

We made our review in Washington, D.C., at the Department of State, AID, and DOD and at U.S. missions in Indonesia, Thailand, the Philippines, South Vietnam, Zaire, Guatemala, and Uruguay. Additionally, we included Chile and Korea in our review work in Washington because of congressional interest in these countries regarding the political prisoner issue. We interviewed appropriate agency officials in Washington and in the countries we visited and reviewed agency program documents, records, correspondence, and reports.

Because of State Department restrictions, we did not visit any foreign prisons, interview prisoners, or work with host country officials in developing information concerning the existence, incarceration, and treatment of prisoners. According to the State Department, these foreign governments would have regarded that type of investigation as a serious infringement of their sovereignty. The Embassies did provide written responses to questions we had prepared regarding the political prisoner issue.

CHAPTER 2

RECENT LEGISLATION AFFECTING

PUBLIC SAFETY ASSISTANCE

The Congress voted funds for the public safety program with only limited debate until the early 1970s. Since then, congressional opposition and criticism of the program has grown and during 1973 centered on the theme that the image of the United States had been damaged by charges that public safety advisors had approved, advocated, or taught torture techniques to civil police in some countries. This theme was expressed in the report of the Senate Committee on Foreign Relations (S. Rept. 93-377, 93d Cong., 1st sess., p. 17) dated August 2, 1973:

"United States participation in the highly sensitive area of public safety and police training unavoidably invites criticism from persons who seek to identify the United States with every act of local police brutality or oppression in any country in which this program operates. It matters little whether the charges can be substantiated, they inevitably stigmatize the total United States foreign aid effort * * * ."

FOREIGN ASSISTANCE ACT OF 1973 (DEC. 17, 1973)

The act of 1973, enacted on December 17, 1973, added section 112 to the Foreign Assistance Act of 1961. Section 112 prohibited the use of any funds made available under the act for police training or related programs in a foreign country. Training foreign police in the United States was not prohibited. Section 112 further stated that the prohibitions shall not apply:

"(1) with respect to assistance rendered under section 515(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, or with respect to any authority of the Drug Enforcement Administration or the Federal Bureau of Investigation which relates to crimes of the nature which are unlawful under the laws of the United States; or

"(2) to any contract entered into prior to the date of enactment of this section with any person, organization, or agency of the United States Government to provide personnel to conduct, or assist in conducting, any such program."

Other sections of the Foreign Assistance acts pertinent to the public safety program and our review follow.

Section 617 of the Foreign Assistance Act of 1961 as amended.
Winding up period

"* * * Funds made available under this act shall remain available for a period not to exceed eight months from the date of termination of assistance under this Act for necessary expenses of winding up programs related thereto."

Section 801 of the 1973 act. General authority

"* * * No assistance shall be furnished under this section to South Vietnam unless the President receives assurances satisfactory to him that no assistance furnished under this part, and no local currencies generated as a result of assistance furnished under this part, will be used for support of police or prison construction and administration, within South Vietnam."

Section 32 of the 1973 act. Political prisoners

"It is the sense of Congress that the President should deny any economic or military assistance to the Government of any foreign country which practices the internment or imprisonment of that country's citizens for political purposes." (

FOREIGN ASSISTANCE AND RELATED PROGRAMS
APPROPRIATION ACT, 1974 (JAN. 2, 1974)

The Congress was particularly concerned over U.S. assistance to police and prisons in South Vietnam. The report of the Senate Committee on Appropriations (S. Rept. 93-620, 93d Cong., 1st sess., pp. 27-29), dated December 13, 1973, states in part:

"The Committee has taken note of the extensive discussion in the House and Senate concerning the internment and treatment of political prisoners in South Vietnam, and the use of United States resources for assisting these activities."

* * * * *

"The Committee believes that it is not in the best interests of the Agency for International Development or any agency of government to be identified with the police system in South Vietnam."

* * * * *

"The Committee strongly believes, however, that * * * assistance to the police and prison systems of South Vietnam should now be totally terminated. The statement in AID's budget presentation 'that AID has terminated its assistance to the National Police' should be made a total reality. This is the intent of the Committee's amendment * * * ."

The following amendment was subsequently enacted as section 112 of the appropriation act.

"None of the funds appropriated or made available pursuant to this Act, and no local currencies generated as a result of assistance furnished under this Act, may be used for the support of police, or prison construction and administration within South Vietnam, for training, including computer training, of South Vietnamese with respect to police, criminal, or prison matters, or for computers or computer parts for use for South Vietnam with respect to police, criminal, or prison matters."

FOREIGN ASSISTANCE ACT OF 1974 (DEC. 30, 1974)

This act effectively terminated AID involvement in public safety activities as of July 1, 1975, by prohibiting use of Foreign Assistance Act funds for training and financial support of law enforcement forces of foreign governments within or outside of the United States, including training at the International Police Academy in Washington, D.C. Section 660 was added to the act by repealing section 112 and adding the following language.

"Prohibiting Police Training - (a) On and after July 1, 1975, none of the funds made available to carry out this Act, and none of the local currencies generated under this Act, shall be used to 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."

"(b) Subsection (a) of this section shall not apply--(1) with respect to assistance rendered under section 515(c) of the Omnibus Crime Control and Safe Streets Act of 1968, with respect to any authority of the Drug Enforcement Administration or the Federal Bureau of Investigation which

relates to crimes of the nature which are unlawful under the laws of the United States, or with respect to assistance authorized under section 482 of this Act; or

(2) to any contract entered into prior to the date of enactment of this section with any person, organization, or agency of the United States Government to provide personnel to conduct, or assist in conducting, any such program.

Notwithstanding clause (2) subsection (a), shall apply to any renewal or extension of any contract referred to in such paragraph entered into on or after such date of enactment."

The 1974 legislation also added a new dimension to the political prisoner issue by adding section 502B to the act. This section expressed the sense of Congress that the President should substantially reduce or terminate security assistance to any government which engages in a consistent pattern of gross violations of human rights. Section 502B states:

"Human Rights--(a) It is the sense of Congress that, except in extraordinary circumstances, the President shall substantially reduce or terminate security assistance to any government which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman or degrading treatment or punishment; prolonged detention without charges; or other flagrant denials of the right of life, liberty, and the security of the person.

"(b) Whenever proposing or furnishing security assistance to any government falling within the provisions of paragraph (a), the President shall advise the Congress of the extraordinary circumstances necessitating the assistance.

"(c) In determining whether or not a government falls within the provisions of subsection (a), consideration shall be given to the extent of cooperation by such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross and any body acting under the authority of the United Nations or of the Organization of American States.

"(d) For purposes of this section, "security assistance" means assistance under chapter 2 (military assistance) or chapter 4 (security supporting assistance) of this part, assistance under part V (Indochina Postwar Reconstruction) or part VI (Middle East Peace) of this Act, sales under the Foreign Military Sales Act, or assistance for public safety under this or any other Act."

CHAPTER 3

TERMINATION OF AID PUBLIC SAFETY PROGRAMS

The United States began providing public safety assistance to foreign countries in 1954. This assistance continued for more than 20 years. Two pieces of legislation--the Foreign Assistance Acts of 1973 and 1974--compelled AID to terminate its public safety program. This chapter describes the growth of AID's Office of Public Safety and what steps AID took to terminate its projects.

EVOLUTION OF THE PROGRAM

The public safety program was conceived in 1954 to provide assistance upon request to selected countries. Indonesia was the first country to receive assistance. By the end of 1955 the program included Iran, South Korea, and Cambodia.

The program's stated objectives were to (1) strengthen the capability of civil and paramilitary police forces to enforce the law and maintain public order with a minimum use of force, (2) encourage the development of responsible and humane police administration, and (3) enable the police to become more closely integrated into the community. The assistance was intended to provide a balanced program of technical advice, training, and equipment.

The Office of Public Safety was set up in AID in 1962 to provide centralized staff support for the various country public safety programs. By this time AID was assisting 39 countries at a cost of about \$25 million. The following year the International Police Academy was established to train foreign police officers.

AID public safety programs generally provided three types of assistance--advisor, commodity support, and training. A study by the Brookings Institution in December 1973 stated that most public safety advisors were professional police officers and had an average of 14 years experience in the United States; others had equivalent training and experience as technical specialists or in the U.S. military establishment. According to the study, approximately 70 percent of the Office of Public Safety professional staff were hired for their police experience in such fields as police training, management, criminology, identification, and traffic control. The remaining staff were recruited because of their expertise in electronic communication, vehicle maintenance, or logistics or because of specialized police-related skills acquired in military service. The advisors provided daily counsel in virtually all areas of police work.

Commodity support fell into four categories--telecommunications, transportation, weapons and ammunition, and general, which includes textbooks, training aids, and criminal investigation equipment. Most were communication and transportation items.

Training was provided primarily through the International Policy Academy, which is discussed in detail later in this chapter.

Over the years, 52 countries received technical assistance and over 10,700 police officers were trained in the United States--5,204 of whom graduated from the academy. In addition, thousands of police officers were trained in their home countries. The program reached its peak in fiscal year 1968 when 34 countries received assistance of about \$60 million. About 700 foreign participants were trained at the academy that year and the Office of Public Safety had about 590 employees.

After 1968 the number of public safety programs and students attending the academy started to decline. Public safety officials cited various reasons for the decline including an overall reduction of U.S. presence overseas, completion of project goals, and competition with other types of economic development programs within AID for limited funds. By the end of fiscal year 1973, AID's public safety staff had decreased to 240, the annual number of academy graduates was down to 439, and AID's planned program for fiscal year 1974 was \$7.4 million in 17 countries.

PHASEOUT STEPS

When the Foreign Assistance Act of 1973 was enacted on December 17, 1973, there were active public safety programs in 17 countries and 95 public safety advisors were stationed overseas. AID immediately took steps to phase out its overseas programs. It notified its overseas missions on January 3, 1974, that all projects were to be phased out by August 17, 1974, in accordance with section 617 of the Foreign Assistance Act of 1961 which provided an 8-month period for winding up overseas programs. Only those public safety advisors involved in overseas narcotic enforcement programs and those assigned to Saudi Arabia under a host-country funded public safety program pursuant to section 607 of the act were to continue their activities beyond August 17. Plans called for the phaseout of country programs as shown below.

Public Safety Programs

<u>Phaseout date (1974)</u>	<u>Country</u>
February	El Salvador
March	Honduras, Venezuela
April	Costa Rica, Ghana, Jamaica
May	Bolivia, Panama
June	Colombia, Guatemala
July	Ecuador, Nicaragua, Philippines, Zaire
August	Laos, Thailand, Uruguay

The plan included terminal evaluation studies of each of the 17 countries by Washington public safety officials. The evaluations were to provide host country officials with a professional appraisal of program activities, a brief history of program accomplishment, and a brief description of goals not yet achieved because of the terminations. We examined the evaluations and noted as a recurring theme that U.S. assistance had been terminated sooner than anticipated and before achieving all of the goals which had been mutually established by the two governments.

AID's records show that all public safety advisors were removed from their incountry positions before the August deadline, although five remained overseas as full-time narcotic advisors. On the basis of our observations in Thailand, the Philippines, South Vietnam, Indonesia, Zaire, Guatemala, and Uruguay and our work at AID's Washington headquarters, we believe that AID public safety assistance was generally phased out as directed by the Congress, except for some questionable purchases of commodities for Thailand after the enactment of the Foreign Assistance Act of 1973 on December 17.

Questionable commodity procurements

On June 25, 1973, in order to comply with a policy that it would no longer fund military-type items, the U.S. Mission in Thailand canceled \$537,000 worth of procurements for 15 machine guns, 1,218 grenade launchers, 45 mortars, and 1,002 antipersonnel mines which had been ordered under fiscal years 1971 and 1972 public safety project agreements. On September 28, 1973, the mission issued new project implementation

orders in the same amount for 71 trucks, 75 transceivers, and parachutes and equipment for use by Thailand's Provincial Police, Border Patrol Police, and Special Training Centers. Purchase orders for commodities valued at \$402,000 were issued after December 17, 1973. The mission's comments on these procurements follow:

"* * * No Project Agreement obligating funds for the public safety program in Thailand was entered into after December 17, 1973, and no Project Implementation Order/Commodity (PIO/C) directing the procurement of such commodities were issued after that date.

"In mid-January 1974 a comprehensive survey of the public safety pipeline was undertaken by USOM (the Mission) pursuant to guidelines from AID/W contained in Bangkok AIDTO A-2, received January 10, 1974. Among other things, that message requested the Mission to review the public safety pipeline to determine which, if any, commodities should be deleted subsequent to a finding that their delivery would not serve U.S. interest.* * *

"Our survey reflected that the nature of the commodities involved was not such that the interests of the U.S. would be adversely affected by their delivery."

Although the Project Agreement and Project Implementation Orders were issued before December 17, 1973, the commodities were not purchased until after that date. The mission's January 1974 survey did not address AID's question of whether commodities in the public safety pipeline should be deleted or canceled, nor did it address the question of whether the purchases were "* * * necessary expenses of winding up programs"--the criteria of section 617 for entering into new contracts during the 8-month windup period.

Staff reductions

AID initiated a study in January 1974 to reassess its Office of Public Safety manpower requirements in light of the impending termination of most of its overseas operations. It was eventually decided that the Office would require 114 fewer full-time, direct-hire employees in fiscal year 1975 than were onboard January 1, 1974--a 50-percent reduction as shown in the following table.

Full-time, Direct-hire Public Safety Employees

	<u>Jan. 1974</u>	<u>Approved FY 1975</u>	<u>Reduction</u>
Overseas programs:			
AID-financed advisors	77	-	77
Narcotics program advisors	9	15	(6)
Section 607 program advisors	<u>9</u>	<u>13</u>	<u>(4)</u>
Total	<u>95</u>	<u>28</u>	<u>67</u>
Washington:			
Headquarters	41	25	16
International Police Academy	67	61	6
Employees without a permanent position assignment	<u>25</u>	<u>-</u>	<u>25</u>
Total	<u>133</u>	<u>86</u>	<u>47</u>
Overall total	<u>228</u>	<u>114</u>	<u>114</u>

During the first 7 months of 1974 the Office employment level dropped through attrition. In July 1974, however, there was still an excess of personnel and a reduction-in-force was announced. Between July 29 and August 29, 65 public safety employees (foreign service reserve officers) received dismissal notices. Termination of employment was effective 30 days after receipt of the notice. Of those receiving notices, 11 chose to retire and 7 secured positions in other AID offices. In addition to the staff reduction, two General Schedule employees were reduced in grade as a result of a reorganization in Office headquarters.

By October 1, 1974, there were only 109 full-time Office employees, a reduction of 119 employees from the January 1, 1974, level. Most of these employees were engaged in duties associated with the police academy. The only other functions the Office performed at this time consisted of providing Washington-based support to the narcotics program advisors overseas and to the advisors in Saudi Arabia.

After the staff requirements for fiscal year 1975 were established, other events occurred further reducing the size of the public safety program:

--The 15 overseas narcotics advisory positions approved for fiscal year 1975 were reduced to 12.

- A plan to sell public safety assistance to Venezuela was rejected by Venezuela in September 1974. This eliminated four anticipated public safety advisor positions overseas.
- The State Department discontinued use of International Narcotics Control Program funds to support the narcotics law enforcement course at the academy. This involved four positions.
- In November 1974 Saudi Arabia decided that it would not renew its program agreement with AID when it expired on March 31, 1975. There were nine positions designated for this program.

By the time the Foreign Assistance Act of 1974 was passed on December 30, 1974, public safety activities had been reduced considerably. This act prohibited further training of foreign police at the academy as of July 1, 1975, and effectively terminated AID involvement in public safety activities. AID decided to close the academy on February 28, 1975, and to issue dismissal notices to all remaining public safety employees on March 1. An assessment of the academy follows.

INTERNATIONAL POLICE ACADEMY

The academy started training foreign police officers in 1963 and continued until December 1974. During its final years, there were allegations that the academy (1) encouraged or condoned police brutality, (2) taught or encouraged use of terror and torture techniques, and (3) promoted creation of police states. Administration officials persistently denied these allegations. Our review at the academy did not disclose evidence that would support the allegations.

The academy was established at the direction of the President to provide an international forum for exchanging ideas, concepts, and experiences by representative police administrators from friendly nations. The academy's stated purpose was to train foreign police in democratic concepts promoting responsible and humane police management and operations.

The training classes were geared principally toward commissioned police officers to acquaint them with the techniques of police organization, management, administration, and operations. Most of the training was carried out at the

academy in Washington, D.C. Some specialized technical training was provided by other institutions and contractors.

The academy conducted two main courses, a 17-week general course for middle-range police officers and a 14-week senior course for executives of the rank of lieutenant colonel and above. The general course, presented in English, French, and Spanish, taught ideas and principles in contemporary police administration. The final 4 weeks were devoted to specialized training in the participant's primary area of responsibility. The senior course, offered in English and Spanish, was designed for foreign police officials responsible for policy and planning and/or command of major operational elements at national, provincial, or municipal police levels.

Specialized technical training was provided to officers in positions requiring such knowledge. This training was provided by selected government and private organizations as well as by the academy. For example, the Federal Bureau of Investigation provided training at its National Academy to 129 participants; the U.S. Border Patrol Academy, located in Los Fresnos, Texas, provided training in bomb control to 180 participants; and Sylvania Technical Systems, Inc., provided a course in communications to 317 participants. Other academy-sponsored courses dealt with fire arms identification, maritime law enforcement, motor transport, narcotics, penology, traffic and record management, and VIP protection.

During its existence, 5,204 students from 77 countries graduated from the academy. An additional 3,651 attended specialized courses offered through the academy. The number of academy graduates declined steadily in recent years--from 522 graduates in fiscal year 1969, to 411 in fiscal year 1974, and to only 132 in fiscal year 1975. Three classes were scheduled for fiscal year 1975, but only one was held. Training was terminated in December 1974 before the other two classes convened. The specialized training at other institutions was also discontinued.

The cost of academy-sponsored training during fiscal years 1972-74 is shown below.

<u>Expense</u>	<u>1972</u>	<u>1973</u>	<u>1974</u> (note a)
Salaries of academy personnel	\$ 894,055	\$1,249,535	
Building rental	226,000	226,000	
Operating expenses (note b)	154,575	133,000	
Participant subsistence expense (note c)	1,588,809	1,686,445	
Office of International Training, AID, support costs	381,000	276,000	
Total	<u>\$3,244,439</u>	<u>\$3,570,980</u>	<u>\$4,337,800</u>

a/Estimated costs. Actual costs were not available because of the phaseout of the Office of Public Safety.

b/Includes printing costs, supplies, staff travel, equipment, and machine rental.

c/Includes food, lodging, U.S. travel, and other expenses. International travel not included.

Impact of academy training

Because of allegations that the academy advocated and/or taught torture techniques, we reviewed descriptions of academy classes to identify any in which inhumane treatment of prisoners or suspects might be taught. Class descriptions emphasized instruction in responsible police management and humane methods of treatment.

The only class which appeared to include instruction on treatment of individuals was an interview and interrogation class. We attended the class in November 1974 and observed that the instructor advocated only humane methods of extracting information. It was a 3-hour class attended by 21 students. In fiscal year 1974, the class was 5 hours long and included a controversial film, "Battle of Algiers," that dealt with questionable techniques of extracting information. According to academy officials, the film was shown to bring out how abhorrent inhumane methods of interrogation can be. Following the film, the instructor, we understand, would discuss the reasons for not using inhumane interrogation techniques. In revamping the class for fiscal year 1975, the academy decided to exclude the film from class presentation.

It is difficult to measure the effect of academy training on the participants. A February 1973 academy study on

the progress of graduates showed that many held high positions in the police forces of their countries when they came to the academy and many received promotions after they came to the United States for training. A Brookings Institution study of public safety programs published in December 1973, which included visits to Third World police facilities and interviews with former participants, concluded that most graduates have profited professionally from their U.S. training.

Section 660 of the Foreign Assistance Act of 1974 terminated AID involvement in public safety activities effective July 1, 1975, by prohibiting all forms of police training and financial support (including the academy), both in and outside of the United States, which are funded under the act. AID closed the academy on February 28, 1975, and on March 1, 1975, the Customs Service took over the facilities.

PUBLIC SAFETY ASSISTANCE TO SAUDI ARABIA

Section 607 of the Foreign Assistance Act of 1961, as amended, permits AID to provide services and commodities to friendly countries on an advance-of-funds or reimbursable basis. A public safety program was carried on in Saudi Arabia on this basis from 1968 to 1975. Over the years, Saudi Arabia deposited about \$3.3 million in a trust fund with AID to pay for the assistance. The initial agreement ran for 2 years and was extended and renewed periodically, most recently in March 1973. This renewal expired on March 31, 1975, because the Government of Saudi Arabia was dissatisfied with the cost and quality of the assistance and elected not to renew the agreement.

Survey of the Ministry of Interior

In addition to the public safety program, a U.S. study team was organized about January 1975 at the request of the Saudi Arabian Government to find ways to improve major elements of the Ministry of Interior. This project grew out of a June 1974 meeting between Office of Public Safety and Saudi officials for improving the internal security capability of the public safety forces.

The survey team was composed of specialists in the fields to be surveyed. Team members were under separate contract with AID for up to 60 days to conduct the survey. In January AID received \$385,000 from Saudi Arabia to cover estimated direct and indirect costs.

The survey fieldwork was completed in April and the report was issued in May 1975. Because the Office was to

be abolished, the Embassy requested that the report's recommendations be written so as to enable their implementation by a private contractor or foreign government. The report could then be used by Saudi Arabia as a basis for soliciting proposals from interested contractors. AID, we understand, will not be involved in future assistance.

Saudi Arabian National Guard modernization program

In February 1975 we received an inquiry from a Member of Congress questioning the legality of a \$77 million contract DOD had awarded to a U.S. contractor to train the Saudi Arabian National Guard and infantry troops. The basis for the inquiry was that it appeared as though DOD funds appropriated under the Foreign Assistance Act were to be used to train Saudi Arabians to guard domestic interests within the country--a violation of section 660 of the act.

Our General Counsel requested information from DOD concerning the inquiry and was advised that no Foreign Assistance Act funds were being used for the contract. Saudi Arabia provides funds to DOD under a foreign military cash sale procedure. Accordingly, our General Counsel concluded that the section 660 prohibition was not applicable to the contract.

CONCLUSIONS

We believe that, except for purchases of about \$402,000 of commodities for Thailand, AID generally phased out its public safety program as intended by the Congress. All public safety advisors were removed from their positions within the 8-month windup period permitted by the act. Training at the academy stopped in December 1974, 6 months before the July 1, 1975, cutoff date. A host-country funded public safety program in Saudi Arabia expired in March 1975.

AGENCY COMMENTS

State and AID concurred in our assessment of the termination of AID public safety programs, except for our reservations regarding certain commodities procured for the Thai National Police after enactment of the 1973 Foreign Assistance Act. In their opinion, deobligating and reprogramming funds to procure other equipment required by the Thai National Police was fulfilling AID's original agreement rather than entering a new contract. They stated that the purchase of this equipment was an alternative method of implementing the basic contract and, therefore, allowable under the windup provision in section 617 of the act.

Although section 617 does not define what expenses are necessary for winding up programs, we believe this equipment could have been deleted from the program. These purchases do not appear to be the kind of "necessary expenses of winding up programs" envisioned under section 617; however, the mission's decision to purchase the equipment may have been made with a view toward our overall relations with Thailand.

CHAPTER 4

NARCOTICS CONTROL ASSISTANCE

This chapter discusses AID participation in international narcotics control efforts through the Department of State. Foreign Assistance Act legislation does not prohibit U.S. assistance to foreign police for narcotics control.

In June 1971 the President called for an all-out attack on both the supply and demand sides of the drug abuse problem. He asked that international cooperation be accelerated and elevated narcotics control to a top priority foreign policy objective. With the establishment in August 1971 of the Cabinet Committee on International Narcotics Control and the designation of the Secretary of State as Chairman, the President gave the Department of State primary responsibility for developing an intensified network of international cooperation and controls.

The Committee serves as the interagency coordinating body for all U.S. narcotics control activities overseas. On a daily basis this responsibility lies with the Senior Advisor to the Secretary for Narcotics Matters, who also serves as the Committee's Cabinet Coordinator and Executive Director. The Secretaries of Agriculture, Defense, and Treasury; Attorney General; U.S. Representative to the United Nations; and Director of the Central Intelligence Agency are also members of the Committee.

U.S. embassies abroad develop narcotic control action plans, including program goals, strategy, priorities, and funding requirements, which are submitted for Committee review and approval. Once a plan is approved, discussions are held with the host government for bilateral action.

When the international narcotics control program started, there were no specific funds appropriated for implementation. The Foreign Assistance Act of 1971 stated that "* * * the President may use any of the funds made available to carry out the provisions of this Act" to furnish assistance under the program. AID development loan funds were used to implement the program through fiscal year 1973. For fiscal year 1974, the Congress appropriated \$42.5 million for international narcotics control. Below are fiscal year 1974 operating and support costs for international narcotics control which are in addition to the \$42.5 million appropriation. For fiscal year 1975, the Congress appropriated \$17.5 million and made available prior year unobligated funds of about \$15.3 million for international narcotics control.

Department of State	\$ 856,665
Drug Enforcement Administration (Justice)	10,418,000
AID	240,000
Department of Agriculture	153,530
Department of Health, Education, and Welfare	114,000
Special Action Office for Drug Abuse Prevention	<u>74,000</u>
Total	<u>\$11,856,195</u>

AID ROLE IN NARCOTICS ASSISTANCE

Before an international narcotics control program was established, AID overseas public safety advisors spent part of their time assisting foreign police forces in narcotic control matters. For example, as early as 1966 the public safety assistance effort in Vietnam included development of a narcotic investigative capability for the South Vietnamese police. Other countries received similar help from public safety advisors. In fiscal year 1973, full-time narcotic advisors were assigned for the first time to five countries--Laos, the Philippines, Colombia, Ecuador, and Venezuela.

When the international narcotics control program began, AID's Office of Public Safety became an integral part of that program because of its experience with foreign police forces in narcotics control and other police activities. AID administered and supervised narcotics control funds until November 1973 when this authority was transferred to the Senior Advisor to the Secretary of State and Coordinator for International Narcotics Matters. AID, however, has continued to act as financial agent and primary implementor of projects receiving narcotics control funds through the State Department.

For fiscal year 1975, AID and State entered into a formal agreement establishing responsibilities and procedures under which AID implements, manages, and administers narcotics control activities for State. AID's responsibilities include providing personnel and preparing and executing project agreements with foreign governments. State advances funds to AID to cover expenses such as salaries, benefits, allowances, travel, transportation, and training of AID personnel.

At the beginning of fiscal year 1975, 26 AID positions were funded under the agreement. Four of these positions were at the police academy and were deleted when the academy closed in February 1975. As of March 1, 1975, the narcotics program was funding 22 positions--12 overseas and 10 in Washington. AID estimated the total cost--including salaries,

benefits, allowances, and travel--of these positions at about \$790,000 for fiscal year 1975.

Overseas narcotics advisors perform essentially the same functions that public safety advisors used to perform. The Washington-based staff monitors and supports the advisors, makes field trips, and provides technical guidance in procuring law enforcement commodities. Between January 1972 and December 1974, headquarters personnel made 46 field trips which involved narcotic program activities. Thirty-one of these trips costing \$44,575 were paid for with narcotic program funds. In addition, in fiscal year 1974 the Technical Services Branch of the Office of Public Safety managed the procurement of about \$12.5 million of commodities, such as radios, trucks, sedans, boats, helicopters, revolvers, shotguns, laboratory and photographic equipment, and radar equipment for boats.

Twenty-eight foreign police officers had received narcotic program training at the police academy at a cost of about \$127,000 before it closed in fiscal year 1975. We understand that the narcotic training previously provided at the academy will be provided by the Drug Enforcement Administration.

Problems relating to narcotics assistance

Although the Foreign Assistance Act does not prohibit AID assistance to foreign police for narcotics control, we noted circumstances that we believe are contrary to the intent of the prohibitions limiting assistance to foreign police. We found that:

- There has been a significant increase in the dollar value of commodity assistance. In fiscal year 1973, the Technical Services Branch managed \$2.2 million of narcotics control funds for commodities. In fiscal year 1974, it managed \$12.5 million for commodities.
- Assistance earmarked for narcotics control can be shared with nonnarcotic foreign police elements.
- Commodities previously furnished to police units under the public safety program are now being provided to the same units under the narcotics program.

The AID mission in Thailand proposed a Narcotics Law Enforcement Project in April 1974. It was prepared by the Office of Field Operations in coordination with the Embassy

and Drug Enforcement Administration and was approved in principle by the Mission Narcotics Enforcement Committee, chaired by the Deputy Chief of Mission. The purposes of the project are to (1) help Thai police control illicit narcotics trafficking and train their personnel in fields related to narcotics law enforcement and (2) establish within the Thai Department of Customs an improved capability to control carriers, persons, and merchandise entering and departing the country and to train customs personnel.

Obligations for commodities under this project increased from \$1.4 million in fiscal year 1973 to \$5.1 million in fiscal year 1974. The commodities are basically the same as those furnished under the public safety program and go to the same Thai National Police Department elements that had received public safety support. The Project Agreement states that all elements of the Thai National Police Department are involved in anti-narcotics activities. In-country officials said it will be almost impossible to insure that commodities furnished will be used exclusively for controlling narcotics. The following table illustrates the similarity of the major items provided under the public safety program from fiscal years 1957-73 and the commodities to be furnished during fiscal year 1974.

	Quantity provided for public safety FY 1957-73	Quantity to be provided for narcotics control FY 1974
Vehicles:		
Sedans	257	40
Jeeps, CJ-6	2,042	9
Motorcycles	699	110
Stationwagons/vans	179	22
Boats	28	7
Helicopters	<u>a</u> /39	5
Weapons:		
.38 caliber handguns	19,177	75
Submachine guns	9,586	35

	Quantity provided for public safety FY 1957-73	Quantity to be provided for narcotics control FY 1974
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Radios:

FM-1	5,085	45
FM-5	10,138	82
HT-2	489	52
Base stations HF-SSB	30	15
Other VHF stations and transceivers	597	292
Other HF stations and transceivers	864	58

a/Two helicopters purchased for narcotics control are included in this figure.

In the Philippines, a Narcotics and Dangerous Drugs Control Project was started in 1971 to provide training and basic equipment to selected Philippine narcotics enforcement agencies. Four national agencies are involved in narcotics enforcement and have received, or expect to receive, assistance under this project:

- The Constabulary Anti-Narcotics Unit, a special section of the Philippine Constabulary charged with enforcing the dangerous drugs laws.
- The Narcotics Unit of the National Bureau of Investigation.
- The Anti-Smuggling Action Center under the Department of Finance.
- Local police teams.

Funds for the narcotics program were provided from the special narcotics control funds administered by the inter-agency narcotics task force. The table below shows narcotics funding for the Philippines since 1972.

<u>Program element</u>	<u>FY 1972-74</u> <u>(net obligations)</u>	<u>FY 1975</u> <u>buget</u>	<u>Total</u>
	----- (000 omitted) -----		
U.S. personnel costs	\$ 81	\$ 40	\$ 121
Participant training	88	-	88
Commodities	585	260	845
Other costs	<u>3</u>	<u>-</u>	<u>3</u>
Total	<u>\$757</u>	<u>\$300</u>	<u>\$1,057</u>

The plan of action is to train and equip 87 narcotics enforcement teams. The teams receive basic police equipment consisting of base station and mobile radios, vehicles, revolvers, handcuffs, cameras, binoculars, narcotics investigation kits, books/films, and office equipment. The cost of equipment for each team is about \$7,800. When a city has more than one team the cost for each additional team drops to \$6,700.

The AID Mission Director expressed reservations that AID should continue to be involved in the narcotics program because of its connections with police-support activities. We share that concern because, although narcotics assistance is designated for special narcotics units, it will be difficult to monitor the use of the commodities and training supplied and prevent the use of these units for other police functions.

Our findings are consistent with recent observations of the Senate Committee on Appropriations. The Committee expressed concern that much of the narcotics control assistance could be used for purposes unrelated to controlling drug traffic and that the program is becoming an international law enforcement assistance program. In its report (S. Rept. 94-39, 94th Cong., 1st sess., p. 88) dated March 17, 1975, the Committee stated

"* * * it is not the purpose of the narcotics program to give the participating governments access to a continuous supply of free police equipment, much of which is possibly being used for purposes unrelated to control of drug traffic. The Committee therefore recommends a sharp reduction in equipment not directly related to increasing the recipients' drug traffic control effort. Congress did not intend that the activity become an international Law Enforcement Assistance program."

CONCLUSIONS

We recognize and support the need for suppressing illicit narcotics production and trafficking. Nevertheless, there is justifiable congressional concern over the substantial expansion of commodity assistance to foreign police forces under the narcotics control program. If these commodities are indeed used by foreign police for other than narcotics control purposes, such use would be inconsistent with the intent of the legislation prohibiting U.S. assistance to foreign police.

Therefore, we proposed that the Secretary of State examine the extent to which commodities provided to foreign police forces are used for nonnarcotic control purposes and institute controls to insure that only those commodities essential for controlling drug traffic be procured for foreign police.

AGENCY COMMENTS AND OUR ANALYSIS

State and AID agreed that the dollar value of narcotics control funded commodity assistance has increased substantially and that these commodities could also be used by nonnarcotics control police units. Nevertheless, they said the level and effectiveness of foreign narcotics enforcement has been raised as a result of this increase. They also contend that the potential for diverting equipment to nonnarcotics control police elements has been reduced because most assistance is now being provided to recently established special narcotics control units.

State and AID assured us that every effort is made to insure against misuse of narcotics control funded assistance. As examples of these efforts, they pointed to the close scrutiny given to the types and quantities of equipment being provided under specific agreements with recipient countries and to the various incountry U.S. officials who have been alerted to the possibility of diverting this equipment. Further, they believe that, although effective narcotics enforcement requires equipment which can be used in all types of law enforcement activities, the risks from diverting narcotics control funded equipment to other police units is outweighed by the benefits achieved by the program.

The mere channeling of narcotics control assistance to special narcotics units does not constitute an adequate assurance that this assistance will not be misused. Moreover, these special narcotics units could engage in nonnarcotic-related police activities and, therefore, could divert narcotics control assistance from its intended use.

Also, the similarity between equipment used in nonnarcotics-related law enforcement and that being provided for narcotics control increases the potential for diverting this equipment for unintended uses.

RECOMMENDATION

To improve the management of U.S. assistance to foreign narcotics control programs and to insure against the misuse of this assistance, we recommend that the Secretary of State institute a formal system of end-use monitoring checks of major narcotics control equipment items to insure that the equipment is not being misused. Further, have U.S. missions periodically review the activities of special narcotics units to insure that these units are not engaging in nonnarcotic police operations.

CHAPTER 5

DOD SUPPORT OF PUBLIC SAFETY ACTIVITIES

DOD'S ROLE IN PUBLIC SAFETY

Foreign Assistance Act legislation prohibits DOD from providing assistance to foreign police forces and prisons. DOD programs, unlike AID public safety programs, are not specifically or primarily concerned with civilian police or law enforcement functions. Nevertheless, DOD, as part of its overall objective of improving the internal security forces of friendly governments, assists organizations that perform these functions. Military and civilian police organizations in foreign countries often have functions that overlap, complement, or augment each other. Consequently, advisory services, equipment, and training provided under the Military Assistance Program (MAP) have been used to support civilian as well as military organizations that perform law enforcement duties.

DOD assistance primarily consists of equipment grants--such as small arms, vehicles, radios, and support items--and training in defense-related skills, methods, and concepts. DOD advisory assistance to police, or in police-related areas, has been limited.

DOD's interpretation of legislation

DOD interpreted section 112 of the Foreign Assistance Act of 1973 to mean that equipment, including excess defense articles, and training conducted in foreign countries could no longer be provided to foreign police by MAP and supporting assistance funds. DOD provided the following guidance to its military missions around the world:

"Police as used in this prohibition includes military police as well as civilian police if the military police perform civilian law enforcement functions. Neither the name given to a unit by the foreign government nor the ministerial authority under which it operates is sufficient, in and by itself, to determine whether a particular force is a 'police unit'. The determining factor is the nature of the function performed."

DOD defined "law enforcement" to include apprehension and control of political offenders and opponents of the government as well as persons suspected of committing so-called common crimes.

DOD permitted its missions to obligate funds for existing projects up to the end of the 8-month windup period, August 17, 1974, provided that funds were expended and deliveries completed by that date. DOD concluded that cash sales, credits, or guarantees under the Foreign Military Sales Act and Military Assistance Service Funded programs were unaffected by section 112. Only South Vietnam was receiving service-funded assistance at the time. That program is discussed separately in appendix I.

Section 112 did not prohibit training in the United States, which was interpreted by DOD as including the 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands. Training in the Canal Zone was prohibited. A prohibition on training in the United States was subsequently covered by section 660 as added by the Foreign Assistance Act of 1974.

DOD ACTIONS TO IMPLEMENT THE PROHIBITIONS

DOD has found it difficult to implement the prohibitions. DOD headquarters does not maintain information about activities and functions of individual military units supported by MAP; it relies on its Unified Commands and in-country missions, under headquarter's guidance, to implement the prohibitions.

DOD sent initial instructions to the Unified Commands on December 19, 1973, informing them of section 112 and its effect on MAP-funded assistance. This message requested that fiscal year 1974 MAP programs in each of the 44 MAP-recipient countries be reviewed to determine whether the programs contained prohibited assistance and the type, amount, and purpose of this assistance. All MAP funding of police and related programs was to be deferred until the requested information was received, analyzed, and additional guidance issued. Most missions reported there was no prohibited support in their fiscal year 1974 MAP programs. Only two missions--the Philippines and Indonesia--identified the amount and type of prohibited assistance being provided.

Another type of MAP assistance affected by the prohibition was training provided by DOD in the Canal Zone. DOD reviewed the instruction being given at the Canal Zone schools and deleted 38 police or police-related subjects from 13 courses. Presently, DOD offers three military police courses for personnel who are or will be assigned to military police units that have no ongoing civilian law enforcement function; however, we believe that DOD has terminated police training in a manner consistent with the purposes of the prohibition.

Generally, the missions' replies indicated much confusion over how to implement the prohibition. Some missions identified foreign military units or police organizations and the amount and type of assistance they were programed to receive in fiscal year 1974. Others said that, although their fiscal year 1974 programs contained no prohibited assistance, certain military units were performing civilian police or law enforcement duties. They requested additional guidance on how to apply section 112 to specific problems in their programs.

After analyzing the responses, DOD issued a second, more comprehensive, interpretation of section 112 on March 1, 1974, designed to answer questions raised by the missions. DOD also requested that MAP programs be changed to conform with this guidance. Shortly thereafter, DOD again asked the missions to provide information on foreign military units performing law enforcement functions in light of the new guidance.

Responses to this message varied markedly from the initial replies. Whereas DOD's initial guidance told missions to identify types of assistance provided to each country in fiscal year 1974, the second instruction told the mission to identify units, including those performing dual military-civilian law enforcement functions, adversely affected by section 112. A number of units were identified as being affected by the prohibition, but most missions felt that the units' abilities to carry out their functions without MAP support would not be seriously impaired. These replies showed a greater military involvement in civilian law enforcement than had been initially reported.

For example, in Latin America DOD identified nine countries that had military units performing civilian law enforcement functions such as operating penal facilities, customs, riot control, traffic management, and investigations. Of these nine, five countries had such units receiving MAP assistance in fiscal year 1974, while in the remaining four, the units were either not eligible for MAP support or did not receive MAP assistance that year. In only one country was assistance to a prohibited unit identified and terminated.

Responses from other missions generally followed a similar pattern. Except for the Philippines and Indonesia, few countries were receiving fiscal year 1974 MAP assistance of the type prohibited by section 112. In Indonesia and the Philippines, DOD provided MAP-funded equipment and training and limited advisory assistance to civilian police units that are part of the country's military organization. The mission

in Indonesia reported that about \$1.2 million in fiscal year 1974 and \$1.9 million in fiscal year 1975 assistance to the National Police had been deleted. The mission in the Philippines reported that about \$6,500 in weapons earmarked for a military unit performing law enforcement functions would be diverted to a nonprohibited unit.

The record shows that there was considerable communication among DOD, its Unified Commands, and incountry missions regarding how to implement the prohibitions. The net effect appears to be that certain units previously eligible for MAP assistance have been declared ineligible for future assistance. The missions generally appeared reluctant to cancel any existing orders for equipment or to deobligate funds. In Indonesia, in particular, the emphasis was on expeditious delivery of equipment and expenditure of funds before the August 17, 1974, cutoff date. The mission in Indonesia also attempted to persuade DOD to continue supporting two National Police projects in fiscal year 1974--construction of a crime laboratory and the National Police portion of a defense communications project. However, DOD did not agree and no 1974 assistance was authorized for these projects.

QUESTIONABLE CONTINUING SUPPORT

Although units with obvious law enforcement responsibilities have been declared ineligible for MAP assistance, our review disclosed a number of ways assistance could continue to support law enforcement activities in foreign countries. These include

- support through common-use facilities,
- rotation of MAP-trained personnel,
- not identifying as such, units which had dual military-police functions, and
- support to law enforcement units in countries under martial law.

Support through common-use facilities

MAP assistance to military organizations of friendly governments is provided not only by directly supporting certain units with weapons, vehicles, radios, etc., but also by providing common-use items to units that redistribute these items or perform military support. Such support units include maintenance and logistics facilities, service-wide communication networks, medical facilities, and

administrative services. These units provide parts and accessories; repair services; uniforms, ammunition, and rations; communications; medical care; and personnel and financial services to the entire military organization of a country, including units which may be ineligible for direct MAP support.

DOD believes that such indirect support is not prohibited by section 112. Although several missions raised questions concerning the impact of section 112 on the activities of support units, DOD did not directly address this issue in its guidance. In response to our questions concerning this type of assistance, DOD said so long as the primary function of a support unit or facility providing the support is for units or individuals other than those performing police functions, MAP assistance to the unit or facility is not in conflict with section 112.

We could not determine in the countries we visited the extent to which prohibited units received such indirect support. Unlike major items of equipment such as vehicles, aircraft, and weapons, the missions do not monitor the flow of common-use items to individuals or units after initial distribution to the support unit. However, in Uruguay, for example, the entire fiscal year 1974 MAP grant material program was for spare parts. Some of these parts could be used to service the repair and replacement needs of prohibited units.

In Guatemala, a U.S. military official told us in all likelihood indirect support had and would be provided to military units performing law enforcement functions.

In Indonesia the National Police are a branch of the Indonesian National Defense and Security and could benefit from countrywide support services that receive MAP assistance. The police-oriented Philippine Constabulary uses the MAP-supported Armed Forces of the Philippines Logistics Center. The Center furnishes all users with common items of supply and service, provides depot maintenance and fabrication, and performs centralized procurement. In fiscal year 1974, the U.S. Mission provided the Center with spare parts, vehicles, and ammunition valued at about \$1.6 million.

Rotation of MAP-trained personnel

Although Foreign Assistance Act legislation prohibits DOD from providing training to police or in police-related subjects, benefits of MAP-funded training could continue to

flow to police and military units performing law enforcement duties through rotation of personnel. Military personnel who receive MAP-sponsored professional or technical training can be assigned afterward to units which perform law enforcement functions. Such training, although not necessarily directly related to police law enforcement skills and methods, would benefit the unit, especially in countries where military and civilian police functions overlap.

DOD recognized this potential problem and said that no training would be provided to an individual unless DOD was satisfied that the individual would not be assigned to a unit performing an ongoing law enforcement function for a reasonable period of time subsequent to completion of training. The matter of personnel assignment is addressed in the "Military Assistance and Sales Manual," the procedural handbook for military grant-aid and sales to foreign countries. DOD generally defines "a reasonable period of time" to be the next regular tour of duty after training.

As a practical matter, DOD has little control over re-assignment of MAP-trained foreign military personnel. We reported on this matter in a report to the Congress entitled, "Problems in Administration of the Military Assistance Training Program," B-163582, February 16, 1971. Of the countries visited in our current review, in only one--Zaire--was there an agreement between the host government and the United States on the assignment of MAP-trained personnel. In Guatemala, the host government is not furnishing detailed information to the mission on reassignment of its military personnel, thereby making it impossible to keep track of where MAP-trained personnel were assigned. In Uruguay, the mission received verbal assurances from the host government that MAP-trained individuals would not be assigned to units with ongoing law enforcement functions, but was unable to obtain a written agreement to this effect.

Generally speaking, governments with military units performing police functions view these units as part of their military organization rather than police units. Thus, rotation of personnel between units performing police functions and regular military units is considered to be an appropriate part of an individual's career development. In view of this practice and the lack of effective DOD controls, it is highly likely that support through MAP-sponsored training to units with law enforcement functions will continue.

Dual-purpose units

DOD initially interpreted section 112 as prohibiting support to units with both law enforcement and military

functions. In its initial guidance to the missions, DOD said, "Assistance is, however, prohibited to units which have a law enforcement function as well as combat functions." [Emphasis added.] This guidance was subsequently revised when it became apparent that, in many countries, units with both law enforcement and traditional military functions were the rule rather than the exception. DOD clarified its interpretation by differentiating between units with "ongoing" law enforcement functions and those with "contingency" roles. DOD told us they intended that only units actively performing law enforcement functions as part of their regularly assigned day-to-day operations were prohibited from receiving assistance.

A major problem in defining a particular unit's function as "ongoing" or "contingency" lies in determining how often or to what extent the unit performs civilian police-type activities. Unlike the United States, delineation between military and police roles is not clear in many foreign countries, particularly those engaged in counterinsurgency or counterterrorist operations. As a result, certain governments rely on both the military and the police for law enforcement as well as military-type operations.

In the countries we visited, we found military units performing civilian law enforcement duties in two countries; a paramilitary unit with both civilian law enforcement and military duties in another country; and civilian police or police-oriented units as part of the military organizations in the other three countries.

We also found that the overseas missions were not consistent in applying DOD's criteria on dual-purpose units. For instance, paramilitary units in one country were declared ineligible for assistance, while a similar unit in another country continues to receive assistance. In one country, of three units with similar missions, only one unit was declared ineligible for continued support.

The above indicates the difficulty in classifying military units as either performing law enforcement or military duties; however, we believe the missions have not uniformly applied DOD's criteria and, therefore, certain dual-function units are continuing to receive MAP support.

Countries under martial law

Military units in countries under martial law or state of seige are often empowered with civilian police responsibilities such as the authority to arrest, detain, investigate, and try alleged law violators. In such situations, these units, in effect, become law enforcement organizations.

Accordingly, DOD instructed its overseas missions that the section 112 prohibition applies to units performing police functions regardless of the existence of martial law.

Two of the seven countries we visited were under martial law or a similar decree. The Philippines has been under martial law since September 1972 and Uruguay has been in a state of internal war since 1972. Both governments contend that these measures were taken in response to increasing insurgent and local dissident activity. In both cases, military forces were given responsibility for maintaining internal security against subversives.

We examined the Uruguayan situation in detail to determine DOD's rationale for continuing MAP assistance under the circumstances. Under the National Security Law of 1972, and a subsequent Presidential decree in 1973, the Uruguayan armed forces were given expanded and broadened authority in areas previously assigned to civilian law enforcement agencies. Security offenses were transferred from civil to military jurisdiction. The Government also enacted laws which gave the military jurisdiction over other crimes. These laws appear unrelated to antisubversive efforts and their enforcement would be a police function in most countries.

The U.S. Military Group Commander in Uruguay did not believe that military forces which performed law enforcement functions during periods of national emergency fell under section 112 prohibitions. He said that once jurisdiction for the offenses enumerated under the National Security Law and Presidential decree were transferred from the civil penal code to the military code, enforcement of these enactments ceased being a civilian law enforcement function. However, DOD criteria for terminating MAP support state that the section 112 prohibition applies regardless of whether units are performing civilian law enforcement functions under martial law or similar decree and that the existence of a state of martial law is immaterial. The key determinant is the actual role the unit performs.

In Uruguay, we attempted to find out which Army units were assigned law enforcement responsibilities. We were told there were no specific units assigned this function; rather, assignment of police operations depended on the time, place, and availability of the unit. We did find two military units not previously identified by the U.S. mission performing police functions; however, both units were not presently supported by MAP. For the most part, we were unable to determine the extent of armed forces involvement in police activities.

Nevertheless, the fact remains that civilian law enforcement responsibility and authority is assigned to the military under the National Security Law and Presidential decree, and, based on official estimates, a substantial number of people have been imprisoned by the military for offenses committed under these two enactments. It is reasonable to assume that as long as the military retains this authority and responsibility additional civilians will be arrested, tried, and/or imprisoned.

Following our fieldwork, we held several discussions with DOD officials in Washington concerning the situation in Uruguay. One official said the determining criteria for countries in this situation should be whether the military is actually performing a civilian police function and not whether it merely has the authority to do so.

Governments declare martial law for many reasons, but most frequently when civilian law enforcement agencies are unable to maintain public safety and order. It seems reasonable to assume martial law would be rescinded when the need no longer exists. We believe that under these circumstances military assistance is not prohibited. However, in countries where martial law has been imposed for an extended period of time, the Congress may wish to consider whether continued military support would be inappropriate.

CONCLUSIONS

DOD programs were not substituted for AID programs in order to continue providing public safety assistance to foreign police forces. On the contrary, DOD instructed its military missions overseas to terminate assistance to civilian police and military units performing law enforcement functions.

There are several ways, however, in which MAP support could ultimately benefit law enforcement activities of foreign governments, such as

- support through common-use facilities,
- rotation of MAP-trained personnel,
- not identifying as such, units which had dual military-police functions, and
- support to law enforcement units in countries under martial law.

Accordingly, we proposed that the Secretary of Defense review steps taken to comply with the intent of the prohibition and institute appropriate controls to insure that military assistance is not provided to military units which perform law enforcement functions.

AGENCY COMMENTS AND OUR ANALYSIS

DOD, in commenting on our draft report, said that very few governments would risk losing military assistance by large-scale use of indirect methods to support law enforcement activities. Further, DOD took exception to two other points in the report. DOD stated that the Congress does not intend that military assistance be prohibited to units which have backup reserve police roles but do not actively participate in civilian law enforcement, as is the case in countries under martial law. Also, DOD said that its policy regarding assistance to dual-purpose units is consistent with its interpretation of the law and that our questioning of continued MAP support to dual-purpose units results from our misunderstanding of the difference between "mission" and "performance."

DOD's position on indirect support to units performing law enforcement activities is not reasonable in view of the lack of control overseas missions have over distribution of MAP-provided common-use items and assignment of MAP-trained foreign military personnel. Because of this lack of control, it would be difficult to determine to what extent prohibited units are receiving indirect support. Nevertheless, we believe that continued indirect support to units performing police duties, in any form, is inconsistent with the purposes of the prohibition. DOD's opinion regarding the unwillingness of foreign governments to risk the loss of military assistance does not provide sufficient assurance against unintended use of MAP support.

We agree with DOD that the interpretation and instructions sent to overseas missions regarding dual-purpose units are reasonable; however, the instructions were not uniformly or consistently applied by the missions to MAP-recipient countries. In the examples we cited, the units were, in our opinion, actively performing police or police-type duties. Thus, we believe these units are subject to the prohibition.

We do not question DOD's policy regarding assistance to martial law countries, and we agree that a contingency or emergency law enforcement role assigned to military units is not sufficient, in itself, to prohibit such units from receiving continued military support. We believe, however,

that serious questions regarding the prohibition's application arise when the imposition of martial law results in a military assumption of civilian law enforcement authority and responsibility for extended periods of time. Further, these considerations are important enough to be explored more fully by the Congress.

RECOMMENDATIONS

In order to fully comply with the legislative prohibition, we recommend that the Secretary of Defense

--reexamine the dual-purpose units we identified and similar units in other MAP-recipient countries to determine whether these units are performing law enforcement functions and terminate any prohibited assistance and

--periodically review MAP-supported military units for changes in their missions or activities which would violate the prohibition.

MATTERS FOR CONSIDERATION BY THE CONGRESS

The Congress should consider the need to clarify its intent regarding (1) assistance to foreign military forces that perform police functions under martial law and (2) indirect support to foreign police through common-use facilities and rotation of MAP-trained personnel.

CHAPTER 6

POLITICAL PRISONERS

Section 32 of the Foreign Assistance Act of 1973 expressed the "sense of the Congress" that the President should deny assistance to any government which imprisons its citizens for political purposes. Similarly, section 46 of the Foreign Assistance Act of 1974, expressed the "sense of the Congress" that the President should substantially reduce or terminate security assistance to any government engaging in a consistent pattern of gross violations of human rights. These sections represent, in effect, resolutions indicating congressional policy statements on the difficult and sensitive question of whether the United States should suspend aid to countries whose governments imprison their citizens for political purposes. We reviewed the action taken by the State Department to implement the resolutions.

Because of its sensitivity, we did not consult foreign government officials on this issue. The State Department said that foreign governments would regard our requests for specific data on incarceration and treatment of political prisoners as a serious infringement of their sovereignty. Therefore, our review was limited to discussions with State Department officials in Washington and in U.S. Embassies abroad and analyses of available documents.

STATE DEPARTMENT ACTIONS

In April 1974 the State Department instructed its U.S. missions abroad to assess the political prisoner issue in their respective countries and advise the Department of their findings. The messages that followed underscore a fundamental problem in dealing with the issue--defining who is a political prisoner and what constitutes a political act. This problem was recognized in congressional debate before enactment of the Foreign Assistance Act of 1973.

In June and July 1974, the State Department instructed its Embassies in aid-recipient countries to transmit the text of the congressional resolution to host governments and explain the seriousness with which the Department regarded it. On January 17, 1975, State issued a new report instruction on political prisoners and human rights to all principal posts in foreign countries. The facts obtained from the reports were to be used to formulate policies and provide a basis for decisions on a country-by-country basis.

We were advised that the State Department has appointed a Coordinator for Humanitarian Affairs, whose staff includes

a Deputy Coordinator for Human Rights. Human rights officers have been named in each of the Department's geographic bureaus. Responsibility for State participation in the human rights activities of international organizations is assigned to a Deputy Director for Political Affairs, and an Assistant Legal Advisor for Human Rights has been designated to insure full consideration of human rights factors. The Department also said that, although the resolution expresses the sense of the Congress to the executive branch regarding denial of assistance to countries holding political prisoners, the provision does not "require" such denial.

Because of the nature of the resolution, the difficulty in defining "political purpose" or "political prisoner," and the scope and nature of human rights violations, the State Department has included concern about political prisoners in a wider concern for all important human rights violations in order that they may be considered in appraising the full range of U.S. relations with all countries. An objective of U.S. relations in each case is to promote human rights by whatever are the most promising means. We found no evidence, however, that any reduction in assistance had been made as a result of the congressional resolutions.

EMBASSIES VIEWS ON POLITICAL PRISONERS

The general consensus of U.S. Embassies abroad is that cutoff of assistance to a friendly government based on these resolutions would be counterproductive. Based on our analysis of available documentation and discussions with senior Embassy officials in several countries, the principal reasons for this conclusion appear to be that such action would complicate bilateral relations or remove any leverage or influence the United States has in promoting respect for human rights and fundamental freedoms.

Some officials believe that if the United States threatens to cut off assistance as a result of the congressional resolutions, foreign governments would view such action as an unwelcome intrusion into their internal affairs and U.S. economic and/or security interests would be jeopardized. Furthermore, it was pointed out that actions taken against individuals generally were within the country's legal framework, thereby making it difficult to determine if imprisonment for political purposes was occurring. The general consensus seemed to be that U.S. pressure would have little or no effect on the governments' policies.

A number of Embassies have reported that human rights violations have occurred but that the violations did not

constitute a "consistent pattern of gross violations" as prescribed by the latest resolution. Others reported that the host government actions were aimed at specific revolutionary and subversive groups or political opponents of the government and the majority of the populace remained unaffected.

The State Department is faced with a difficult and sensitive problem in implementing the resolutions. While it is committed to promoting respect for and observance of human rights and fundamental freedoms, it is also convinced that cutting off assistance is not the most effective and appropriate deterrent to violations of human rights. Accordingly, State has moved cautiously in implementing the resolutions.

CONCLUSIONS

The State Department has not reduced or terminated assistance to any foreign government as a result of the congressional resolutions because

- difficulty in defining "political prisoners" precludes a conclusive determination of violations;
- these sections express the sense of the Congress, but do not constitute a legal requirement that economic or military assistance be denied;
- unrestrained pressure aimed at assuring implementation of the resolutions could be interpreted as an infringement on the sovereign rights of foreign governments and could prove counterproductive to U.S. foreign policy objectives;
- the Department would prefer to use low-keyed diplomatic approaches and to work through international organizations such as the United Nations and the Organization of American States rather than terminate U.S. assistance; and
- the Department, in view of the scope and nature of human rights violations in the world, seems to be unwilling to make distinctions between nations regarding the degree of such violations.

We believe that the State Department has considered the issues raised by these resolutions and should continue to do so as part of its decisionmaking process.

The International Development and Food Assistance Act of 1975, enacted December 20, 1975, added section 116 to the Foreign Assistance Act of 1961, expressing the further concern of the Congress over the issue of human rights in U.S. foreign affairs. The section was designed to provide some safeguards against the possibility that authoritarian governments which deprive their citizens of basic political and human liberties do not divert U.S. assistance from its intended purposes or use such assistance to bolster their repressive regimes. The conference report (H.R. Rept. 94-691, 94th Cong., 1st sess., p. 32) dated December 4, 1975, states in part:

"The committee of conference agreed to prohibit development aid to such a government unless the aid will benefit needy people. In determining whether the standard is met, either committee may require a written report from A.I.D. demonstrating that the aid will benefit needy people, describing the aid, and explaining how it will benefit needy people. If either committee or either House disagrees, it may initiate action to terminate aid under section 617 of the Foreign Assistance Act. In deciding if any government falls within such provisions, consideration must be given to the extent of its cooperation with investigations by international agencies. The President is to report annually on steps taken to carry out this section."

We believe that this provision will improve the State Department's decisionmaking process regarding the human rights issue.

AGENCY COMMENTS

The Department of State generally concurred in our presentation on political prisoners and said that it is Department policy to be as responsive as possible to congressional intent as contained in the subject resolutions.

PHASEOUT OF U.S. ASSISTANCE TO SOUTH VIETNAM
IN SUPPORT OF POLICE, LAW ENFORCEMENT, AND
PUBLIC SAFETY PROGRAMS

INTRODUCTION

Questions concerning the phaseout of U.S. assistance to South Vietnamese prisons and police forces and the related issue of incarceration and treatment of political prisoners were raised by numerous Members of Congress and others after the Vietnam ceasefire agreement of January 1973 and passage of Foreign Assistance legislation in December 1973 and January 1974. The ceasefire required all U.S. advisors to the South Vietnamese police forces to depart South Vietnam by March 1973. The legislation was intended to terminate all other assistance to the police forces of the Government of South Vietnam.

Our primary objective was to determine whether assistance to South Vietnamese police and prison systems had been phased out in accordance with the Foreign Assistance Act of 1973 and the Foreign Assistance and Related Programs Appropriation Act of 1974. Our secondary objective was to obtain information on incarceration and treatment of political prisoners in South Vietnam. Our findings reflect conditions which prevailed in South Vietnam at the time we completed our fieldwork in September 1974.

FUNDING PROHIBITION

As mentioned in chapter 2, the Foreign Assistance and Related Program Appropriation Act of 1974 specifically prohibited police-related assistance with Foreign Assistance Act funds. However, military assistance to Vietnam was provided from DOD military services appropriations rather than from Foreign Assistance Act appropriations and thus was unaffected by the legislation. Nevertheless, DOD funds were being used to support the police when the legislation was enacted. On the basis of an interagency agreement effective July 1, 1966, DOD had agreed to provide funds for certain AID programs considered closely allied with the military effort in Vietnam. The funds were used primarily for commodities.

In a letter to AID in April 1974, the Deputy Assistant Secretary of Defense for International Security Affairs said DOD's financial and commodity support to the National Police and the Combined Telecommunications Directorate would be phased out. He stated that, although service appropriations

did not seem to be restricted by the legislative prohibition in section 112 of the Foreign Assistance and Related Programs Appropriation Act of 1974, to be responsive to congressional desires DOD would not provide any new funding to the National Police or the telecommunications directorate.

COST AND NATURE OF PUBLIC SAFETY ASSISTANCE

Records indicated that AID and DOD provided about U.S. \$235 million and local currency (piaster) support of VN \$3 billion for public safety programs in South Vietnam during fiscal years 1955-74, as shown below. Additional funding details are contained in attachments I and II.

U.S Support Provided for Public Safety
Projects in South Vietnam

<u>Source</u>	<u>Amount</u>
	(000,000 omitted)
AID dollar support:	
National Police	\$114
Telecommunications	37
Correction centers	<u>2</u>
Total	<u>153</u>
DOD dollar support:	
National Police	64
Telecommunications	<u>18</u>
Total	<u>82</u>
Total dollar support	<u>\$235</u>
AID piaster support:	
National Police	VN\$2,323
Telecommunications	353
Correction centers	<u>373</u>
Total piaster support (note a)	<u>VN\$3,049</u>

a/ On June 30, 1974, when VN\$640=US\$1, this was equivalent to \$4.8 million. However, piasters were provided at varying exchange rates from 1964 (VN\$35=US\$1) to 1974 (VN\$640=US\$1). Because of this, exact dollar equivalents are not known.

The information contained in attachment I and summarized above is based on budget data. AID and DOD personnel said the data was the best available but cautioned that it might not be completely accurate because:

- Ammunition figures were estimated and no one knew the amount the National Police actually drew since this was a free issue item.
- Many prior records were retired or destroyed, especially when the ceasefire caused the hurried departure of most U.S. military personnel in Vietnam.
- During 1968-72, AID provided certain items under a missionwide commodity support project. Although the police, telecommunications, and correction centers received some assistance under this project, records were no longer available.
- AID did not know the value of items requisitioned through military channels because the actual cost was not known at the time of order.

Of the \$235 million assistance to police and public safety activities, \$158 million (or 67 percent) was in the form of commodities--vehicles, communications equipment, and ammunition. Direct-hire personnel accounted for about 20 percent (\$46 million). Another 11 percent (\$27 million) was for contract services and DOD local currency purchases. Almost 2 percent (\$4 million) provided training to Vietnamese in the United States and Taiwan and included police training programs and other specialized courses.

EVOLUTION OF THE PUBLIC SAFETY PROGRAM

The U.S. Government started supporting the South Vietnamese police through a contract with Michigan State University covering the period 1955-61. The U.S. goal was to assist law enforcement agencies in recruiting, training, organizing, equipping, administering, and supporting a force capable of maintaining public law and order and internal security throughout Vietnam. In 1960 AID began using direct-hire personnel. In 1967 administrative and functional responsibility for public safety activities was transferred to the Civil Operations and Rural Development Support element of the Military Assistance Command Vietnam. The Command was disbanded after the January 1973 ceasefire agreement and functional and administrative responsibility was returned to AID.

Early public safety assistance was provided under numerous projects. Later assistance was consolidated into three major projects that coincided with government agencies or organizations--the National Police, Combined Telecommunications Directorate, and the correction centers.

National Police project

When U.S. assistance to the Vietnamese police began in 1955, there was a virtual absence of civil police organization, leadership, and effectiveness. Through this assistance, the United States sought to (1) establish and train a national police force, (2) provide effective command control, (3) expand police coverage to the village level, and (4) provide technical and logistical support to the police until the government was capable of supporting its police without U.S. aid.

The goal of establishing a national police force was achieved through a Presidential decree of June 27, 1962, combining the organized civil police elements into a National Police. Operational control was decentralized and vested in elected or appointed officials, usually military officers, at each level of government. On December 26, 1972, a law was enacted giving national status to the National Police by law rather than by decree.

Under the guidance of U.S. training advisors, the government recognized the need for a comprehensive and effective police training program. Facilities were expanded to absorb training requirements of the growing police force. The National Police Academy, National Police Training Center, Regional Inservice Training Centers, and other more specialized training facilities were constructed or converted. During 1971-72, about 86,000 policemen of various levels received basic, command, and inservice training as well as courses on highly specialized and technical subjects.

One area of specialized training that received major emphasis was the centralized identification and records system. Approximately 3,000 police officers were trained during 1971-73 in new central records procedures. The resultant National Police-Central Records and Identification System was termed a major success.

With help from the United States, the National Police grew rapidly from 1962 to 1972. The following table shows the increase in officer ranks and in overall force strength. It also shows that there was extensive borrowing from the military to help meet the need for experienced officers to provide command coverage. Because of the rate of force

expansion, operational pressures, and limitations on the enlistment of quality recruits, command coverage was relatively thin and most key positions were filled by professional soldiers with command experience.

	<u>National Police officers</u>	<u>Military officers</u>	<u>Total officers</u>	<u>National Police strength</u>
Dec. 1962	1,317	a/ 10	1,327	16,890
Dec. 1963	1,631	a/ 10	1,641	19,711
Dec. 1964	1,687	a/ 20	1,707	33,570
Dec. 1965	2,371	a/ 50	2,421	52,242
Dec. 1966	3,081	108	3,189	59,999
Dec. 1967	3,839	143	3,982	70,291
Dec. 1968	4,461	132	4,593	78,431
Dec. 1969	4,448	56	4,504	85,218
Dec. 1970	4,781	51	4,832	87,884
Dec. 1971	5,829	520	6,349	113,686
Dec. 1972	6,840	1,002	7,842	120,668

a/ Approximate.

In May 1972, the National Police had 4 major sections-- Conventional Police (78,500), Special Branch (19,600), Field Police (16,500), and Marine Police (2,400).

Expansion of the police force led to achieving a long-term objective of the public safety advisory effort; i.e., extension of permanent police coverage to the village level. In 1969, 1,659 village police stations had been established. In 1970, 39 stations were added. By 1973, there were 2,301 police stations. Initially, these stations were manned with one to three policemen. In 1971, however, additional personnel were deployed to the village level. Manpower became available with the transfer of 13,000 Army of Republic of Vietnam personnel into the National Police and from a renewed recruiting campaign. About 1,000 military officers were assigned to villages as police chiefs.

Unfortunately, the increase in manpower quantity was not matched by an equivalent increase in manpower educational quality. In general, most of the new police recruits acquired during this expansion period had only 5 to 7 years of formal education. Another serious problem was the inability of the National Police to recruit young, qualified candidates for police-commissioned officer training.

The National Police also faced serious supply and maintenance problems. With U.S. assistance, its supply system in 1973 had to support 122,000 men and maintain 180,000

weapons and 6,000 vehicles. Without U.S. assistance, it was difficult to maintain adequate support. Logistically, the police force did not become self-sufficient. It required replacement equipment, parts, and other commodities. In July 1974 the Director General of the National Police told us that (1) the police could not operate without U.S. assistance in acquiring spare parts, ammunition, and fuel, (2) village police stations were becoming the focus of enemy attacks, (3) over 300 police stations were attacked in the first 6 months of 1974, and (4) unless U.S. support continued, the police would be forced to pull back from the village and hamlet level, causing local security to deteriorate.

Embassy officials also believed that the National Police supply system was not self-sufficient and that, without continued U.S. assistance, police effectiveness would diminish. Embassy and Defense Attache Office officials said that small police stations could not repel sustained enemy attacks and, consequently, depended on communications and mobility. These officials also told us that they expected security conditions to weaken because U.S. support was terminated.

Telecommunications project

The public safety telecommunications project began in the midfifties to improve police communications. In 1960 AID expanded the project to include support of the Combined Telecommunications Directorate. In 1967 DOD began providing assistance to the directorate through AID and, by the end of fiscal year 1974, AID and DOD had contributed more than \$55 million to the telecommunications project.

The directorate was established in 1960 as an administrative, operational, technical, and logistical organization to operate and maintain a common-use radio teletype and telegraph system for the National Police and other government agencies. Under the Ministry of Interior, the directorate system extended from Saigon to each region, province, and district.

Initial directorate support included radios and associated equipment for the police telecommunications systems, a part of the directorate. Subsequently, support was expanded to include the Village Hamlet Radio System, which provided communication to virtually all government-controlled villages and hamlets in Vietnam. This system consisted of over 40,000 high frequency-amplitude modulation transceivers countrywide and provided interface communications with military and paramilitary units in pacified areas which hitherto had not had communication.

In January 1973, AID began concentrating on training directorate personnel. However, the legislation enacted in December 1973 and January 1974 prohibited such U.S. assistance. In July 1974, Embassy and Defense Attache officials believed that terminating U.S. assistance to the directorate would seriously hamper the effectiveness of civil communications systems because equipment spare parts and technical know-how for repair had been provided by the United States. The directorate was considered a victim of circumstances because, as its major customer, the National Police could not be segregated from other benefiting civil agencies. To comply with the law, AID cut off communications support to the directorate and, in effect, to all civil agencies.

Correction centers project .

Two government agencies were responsible for incarcerating civilians--the National Police for unsentenced persons and the Directorate of Corrections for sentenced persons. The Directorate of Corrections was organized by decree on January 13, 1960. Its prime function was to hold and rehabilitate prisoners sentenced by the courts. In July 1974 the 5 national and 35 provincial correction centers were holding a reported 33,732 prisoners.

AID began supporting the correction centers in 1961 as part of its National Police project. Initial support consisted of a U.S. advisor, some commodities, and training. AID established a separate project in fiscal year 1967 under the title correction centers when the government requested additional assistance. From that time, according to AID, assistance was directed toward strengthening and improving the correctional centers' administrative, operational, physical, hygienic, and professional standards.

To improve the conditions of prisoners and the prison system in Vietnam, AID promoted (1) removal of prisoners to secure areas, (2) modernization of the system, and (3) humane care of prisoners. Thus, in 1973 over 9,000 prisoners were transferred from provincial to national centers. The U.S. advisory effort led to instituting a rudimentary parole system in 1970. Also, AID and DOD provided commodity assistance in rebuilding and remodeling many prisons.

Many areas, however, still needed improvement. Prisons continued to be overpopulated, understaffed, and short of food. A more concentrated national effort was needed to improve health and sanitation in prisons. Embassy officials said terminating assistance adversely affected prisoners because AID no longer permitted prison dispensaries to draw U.S.-funded medicine from the Ministry of Public Health.

Assistance provided after the
January 1973 ceasefire agreement

The ceasefire agreement required all U.S. advisors to police forces to leave Vietnam within 60 days. We found no evidence of U.S. advisory support to the National Police at the time of our fieldwork in Vietnam--June to September 1974.

In May 1973, AID retired the National Police, Combined Telecommunications Directorate, and correction centers' project titles and codes. However, assistance to the National Police and the directorate continued under other general project codes. For fiscal year 1974

--\$821,000 of AID funds were budgeted for training under the U.S. AID mission in Vietnam technical support project,

--\$196,000 of AID funds and \$7,519,000 of DOD funds were budgeted for logistic support under the logistics technical support project, and

--\$870,000 of AID funds and \$1,343,000 of DOD funds were budgeted as support for the directorate under the engineering technical support project.

Before the legislative cutoffs in December 1973 and January 1974, about \$3.8 million of these funds were obligated. However, due to steps taken by AID and DOD to phase out police-related assistance, only about \$700,000 was expended.

In addition, about VN\$165 million was provided under the rural development project for reconstructing National Police command facilities destroyed or damaged during and after the 1972 invasion by the North Vietnamese. Some indirect support to the National Police and correction centers was also provided through the public health and Central Logistics Agency projects. AID and DOD provided medicine to the Ministry of Health through the health project. Among the customers of the Ministry were the National Police hospital and the prison dispensaries. Under the Central Logistics Agency project, AID advised and supported vehicle spare parts depot and province vehicle maintenance shops. Among their customers were the National Police and prison systems. We were told that the National Police and prisons became unauthorized customers of the Ministry of Health and the Central Logistics Agency.

PHASEOUT OF PUBLIC SAFETY ASSISTANCE

AID and DOD took several steps to phase out direct U.S. assistance to the National Police and others in compliance with the ceasefire agreement, foreign assistance legislation, and the intent of the Congress. Among other actions

- AID public safety advisory assistance was terminated,
- funds obligated for commodities were deobligated,
- plans to send Vietnamese to the United States for police-related training were canceled, and
- local currency (piaster) support was terminated.

Advisory assistance

AID said all advisory assistance to the police and prisons had terminated in March 1973 as a result of the ceasefire agreement. As of January 1973, such assistance was being provided by 143 public safety advisors assigned to South Vietnam. By the end of March 1973, according to AID, all advisors to the National Police had left Vietnam, found other jobs there, or were reassigned to other AID projects and activities, as shown in the table below.

Advisors Assigned to South Vietnam as of
Jan. 27, 1973

Departed South Vietnam by Mar. 28, 1973	100
Reassigned to other AID mission positions in South Vietnam	28
Terminated AID employment in South Vietnam (note a)	<u>15</u>
Total	<u><u>143</u></u>

a/ Includes 12 individuals who transferred to the Defense Attache Office in Saigon and 3 who went to work for contractors in South Vietnam.

As of August 1974, 3 of the 43 who had remained in Vietnam were working for private contractors and 18 were working for either the AID mission or Defense Attache Office. Our analysis of the job descriptions of those working for the mission

and the attache office showed no apparent support of the police, prison, or telecommunications systems.

We also examined the functions of the Office of the Special Assistant to the Ambassador for Field Operations. This organization replaced the Civil Operations and Rural Development Support, Military Assistance Command, Vietnam, which was responsible for the public safety program at the time of the ceasefire agreement. We reviewed job descriptions for 111 persons working for the Special Assistant and found no apparent advisory support to the police, prison, or telecommunications systems.

Deobligation of funds

On January 8, 1974, the State Department directed the mission in Saigon to terminate any activity which could be construed as AID involvement in direct or indirect assistance to the National Police or prison systems. By January 11, 1974, the mission began to terminate commodity support and was able to cancel about \$3.1 million of \$3.8 million in fiscal year 1974 procurement obligated before the January 2, 1974, legislation. The remaining \$700,000 could not be canceled; the money was expended and the items were received in Vietnam before June 30, 1974.

Concerning obligations made before fiscal year 1974, there was an open pipeline of about \$9.8 million as of December 31, 1973. Of this amount, the mission canceled requisitions valued at \$548,500 and deobligated about \$2.2 million. As of June 30, 1974, the pipeline had been reduced to \$2,781,000 and was to be liquidated as final billings and services were received.

Participant training

AID provided general and specialized training in the United States for 129 National Police personnel during fiscal years 1973-74. The training included courses in criminal investigations, immigration and customs control, instructor methods, patrol operations, public and community relations, traffic management, dignitary protection, narcotics, and automatic data processing.

AID records indicated that 80 Vietnamese arrived in the United States for training during fiscal year 1974. Fifty-four were funded with 1973 funds and 26 with 1974 funds. After enactment of the Foreign Assistance and Related Programs Appropriation Act of 1974, AID canceled plans to send additional Vietnamese for training. Those already in the United States were permitted to complete their training.

As of April 1974, only two participants remained; they completed their traffic management course at Northwestern University, Evanston, Illinois, and departed on June 18, 1974.

Local currency (piaster) support

In a March 7, 1974, letter to the Government of Vietnam, the mission said it could no longer provide piasters to support the National Police, telecommunications directorate, and correction centers. Accordingly, the mission said that it was canceling the 1.2 billion in piaster support (equivalent to about \$1.9 million based on a conversion factor of VN\$640=US\$1) for the police and other prohibited organizations previously agreed upon for Vietnam's 1974 budget. Applicable 1974 project agreements were revised to include statements prohibiting police support. However, the mission determined that piaster support committed through the American Aid Chapter of the budget for 1973 and prior years would not necessarily be canceled. As of June 30, 1974, about VN\$582 million (about \$909,000) stemming from prior year agreements remained in the pipeline and the mission was taking action to close out the accounts.

Other phaseout actions

In addition to the steps discussed above, the following actions were taken to comply with the legislative prohibitions.

- National Police, telecommunications directorate, and correction centers personnel were banned from attending English-language and office-skills courses at the mission's Saigon Staff Development Center.
- The National Police, telecommunications directorate, and correction centers were prohibited from receiving U.S.-funded military articles, excess property, and medical supplies.
- The National Police, telecommunications directorate, and correction centers personnel were barred from flying on U.S.-funded Air America flights.
- National Police and correction centers computer programs were purged from the Prime Minister's computer center.
- AID terminated its support of common-use government facilities used by the National Police, such as the province maintenance shops and the spare parts depot.

DEFENSE ATTACHE ACTIONS TO TERMINATE POLICE SUPPORT

In December 1973, the Defense Attache directed his service divisions to review their fiscal year 1975-79 requirements and delete any items included for support of the National Police and Military Police units with civilian law enforcement responsibilities. All divisions reported that no police support was included in their individual budget segments.

In an April 1974 letter, the Deputy Assistant Secretary of Defense for International Security Affairs told AID that he had reviewed DOD's financial and commodity support to the National Police and telecommunications directorate and that such support would be phased out. He said that:

- Although service appropriations did not seem to be restricted by the prohibition contained in section 112 of the Foreign Assistance and Related Programs Appropriation Act of 1974, to be responsive to congressional desires, DOD would not provide any new funding to the National Police or telecommunications directorate for the remainder of fiscal year 1974 or beyond.
- Unexpended 1974 and prior year DOD funds should be deobligated as much as possible and returned to DOD.
- In view of the requirement that AID disassociate itself rapidly from police support programs and to preclude an abrupt end of program management, DOD would assume responsibility for delivering those commodities already on irrevocable order.

To ascertain whether the National Police and the telecommunications directorate were still receiving support through DOD channels, we reviewed fiscal year 1974 Defense Attache Office and Military Assistance Service Funded budgets and the master customer list for Vietnam Army depots and made a limited test of depot issues. The \$985 million fiscal year 1974 service-funded budget justification provided to us was rather broad and the supporting documentation limited; however, we found no evidence of programed support to the police. Also, our review of the \$40 million fiscal year 1974 Defense Attache Office budget and appropriate change orders and discussions with attache officials disclosed no police support.

Vietnam Army procedures required that, to draw supplies from any of its 27 depots, a customer had to be on the National

Materiel Management Agency master customer list. In May 1974, attache officials informed responsible Vietnam Army commands that no service-funded support or transportation would be provided to the National Police. During the same month, these commands informed subordinate commands that the police were no longer authorized to draw any service-funded line items through Vietnam Army. In July, we reviewed the master list and found that the police were no longer authorized customers.

As a further test, in July 1974 we visited 1 of 27 depots and an ammunition facility, both located in the Saigon area. These facilities had served the 10,000-man police force guarding the Saigon area and other police units. We selected several items which the police had received in the past--barbed wire, batteries, and ammunition--and determined that, after restrictions had been imposed, the Vietnam Army made no issues of these items to the National Police or telecommunications directorate.

Other support

The mission of the National Police was to provide internal security, enforce the nation's laws, and combat subversives. Our review suggested that, as long as the United States continued to support the South Vietnamese military forces, common-use items could filter down to the National Police. Also, service-funded assistance continued to flow to organizations that could be construed as having responsibility for law enforcement and internal security. Continued U.S. support in the area of narcotics suppression was not prohibited and also continued.

Military assistance

U.S. military assistance to South Vietnam in fiscal years 1974 and 1975 was appropriated at \$1.126 billion ^{1/} and \$700 million, respectively. The commodities provided went to military supply depots located throughout the country. Without U.S. advisors at various operations within the supply system, insuring that commodities were used only by authorized recipients was extremely difficult.

Embassy and DOD officials said there were not enough U.S. personnel in Vietnam to insure that commodities provided to the Vietnam Army depots would actually be used only by the military. It was possible that police units could obtain

^{1/} Fiscal year 1974 appropriations include about \$100 million programed for Laos.

service-funded items through depots because the Vietnamese Army and the National Police ultimately reported to the same commander--the President. Furthermore, at the time of our review, the presidential palace in Saigon was being guarded by the National Police, which was responsible for the internal security of the entire city. However, as stated previously, we found no evidence that depots were making unauthorized issues to police units.

Embassy and attache officials in Saigon assured us that they were well aware of the sensitivity of this matter and that, although they did not have advisors in the field, they tried to monitor the distribution of U.S.-funded commodities as much as their limited resources permitted.

Regional Forces and Popular Forces

In Vietnam, approximately half of all forces receiving service-funded assistance were the Regional Forces and Popular Forces. They were infantry elements of the Vietnam Army primarily responsible for providing security to local provinces and districts, but also used as a counter guerrilla force in rural areas. Regional Forces operated as the main force at the province and district level and Popular Forces at the village or hamlet level.

Regional Forces were responsible for conducting military operations and assisting in certain training and planning functions and were also assigned static security missions, such as manning outposts and protecting military and key economic installations.

Popular Force units were under the operational control of the hamlet or village chief and employed guerrilla tactics to provide security protection for the population of completely secure areas and to prevent guerrilla infiltration.

However, the forces could also perform certain functions which might be considered police-related. For example, during curfew hours the forces were assigned to security posts where they might detain unauthorized persons. Furthermore, under attack conditions, they could help supervise the National Police. The forces and the National Police were all controlled by the province chief, who was responsible for public order and security, including coordinating police and all security forces. Accordingly, he could order the forces to act in a police capacity. To the extent that this might occur, the forces could be viewed as military forces being used for police functions. According to U.S. officials in Saigon, however, there was no evidence that the forces were performing normal day-to-day police functions.

Military tribunals

Another recipient of service-funded support that performed law-enforcement-related functions was the military tribunal. Military tribunals tried and convicted civilians for specific crimes. They were an element of the Directorate of Military Justice and were supported through service-funded appropriations, as were other military units in Vietnam.

In September 1974, the Directorate of Military Justice had 755 personnel assigned to 4 divisions, as shown below. Generally, these personnel did not have the authority to arrest. However, the officers were judges who could convict civilians or military personnel.

	<u>Officers</u>	<u>Enlisted</u>	<u>Total</u>
Central Directorate	24	84	108
Military prisons	29	209	238
Permanent courts	60	125	185
Field courts	<u>95</u>	<u>129</u>	<u>224</u>
Total	<u>208</u>	<u>547</u>	<u>755</u>

According to the Embassy, the Central Directorate headed the military judicial system. The Embassy considered the term "military prison" a misnomer because it was really a pretrial confinement facility for military personnel and was not used to imprison convicted personnel. Military personnel, if convicted, were imprisoned in the national or provincial prisons along with civilians. According to Embassy officials, the pretrial confinement centers were in no way connected with civil police activities.

There were two separate military court systems, each composed of four courts--the permanent courts and field courts. Both courts were manned by five judges, four of whom were in the military. The fifth judge, who presided, could be a civilian or in the military.

The permanent courts had jurisdiction over civilians who committed crimes against the military or who were affiliated with the military, such as civilian canteen operators. Thus, the Vietnamese permanent courts, although functioning similarly to U.S. military courts, also tried and convicted civilians.

The military field courts had a much broader role and were responsible for national security law cases. These courts tried and convicted both military personnel and

civilians who committed the following specific crimes against national security: illegal transfer of money, smuggling, bribery, corruption, embezzlement, draft dodging, treason, disturbance of State security, procommunism, neutralism, and hooliganism.

The State Department believed that U.S. assistance to the tribunals was not prohibited because they were a judicial element of the Government of Vietnam and lacked investigative and enforcement powers.

Narcotics suppression

Narcotics suppression support to foreign police agencies was not included in legislative prohibitions. In fiscal year 1974, U.S. funds for narcotics suppression were provided by AID and the Drug Enforcement Administration. A USAID official told us that AID had a small narcotics control project with the Director General of Customs under the Ministry of Finance and that no commodity or advisory support was provided to the National Police. AID narcotics control assistance totaled about \$182,000 in fiscal year 1974 and was then terminated.

According to drug enforcement officials, the fiscal year 1974 narcotics program of about \$149,000 included no commodity support. The narcotics agents worked with narcotics police in conducting joint drug suppression operations.

POLITICAL PRISONERS

Since the January 1973 ceasefire agreement, many articles have appeared in various publications alleging that there were large numbers of political prisoners in South Vietnam. In response to congressional requests concerning these allegations, we attempted to examine this issue. Our work included analyses of information provided by U.S. agencies; discussions with knowledgeable U.S. personnel in Vietnam; and discussions with Father Chan Tin, a well-known anti-Government-of-Vietnam Catholic priest, who headed the "Committee Campaigning for the Improvement of Prison Conditions in South Vietnam." However, restrictions imposed by the State Department and the American Embassy in Saigon precluded discussions with South Vietnamese officials, visits to prisons, or interviews with prisoners.

On the basis of information we obtained through American Embassy channels in Saigon, we could not determine how many political prisoners there were in South Vietnam. While some U.S. officials did not rule out the possibility that there were some political prisoners, the Embassy steadfastly maintained that it had not been able to identify a single political prisoner on the basis of its definition of political

prisoners as "persons who have been imprisoned solely for their opposition to the Government."

Chan Tin's allegations

In a June 22, 1973, Vietnamese-language publication entitled "Political Prisoners in South Vietnam After the Signing of the Paris Agreement," Father Chan Tin alleged, among other things, that there were 202,000 political prisoners in South Vietnam and that they were mistreated. We reviewed translated portions of the publication and interviewed Chan Tin to determine his definition of political prisoners and the accuracy of his statistics.

Chan Tin's definition of political prisoners was relatively simple but very broad. He said that political prisoners are all persons held for political reasons. On the basis of statements made to us, he apparently considered much of the prison population of South Vietnam to be political prisoners. He included suspected Viet Cong sympathizers, those who refused the military draft, and those who had destroyed property, if such destruction was politically motivated.

Regarding the method used by Chan Tin to arrive at his estimate of 202,000 political prisoners, we found that he had (1) used unverified statistics in computing the total number of prisoners, (2) used statistics of varying dates which could have resulted in double-counting thousands who had been released or transferred, (3) apparently double-counted 8 major prisons, and (4) arbitrarily estimated that there were more than 90,000 prisoners in local jails and interrogation centers.

When we interviewed Chan Tin and requested verification of his data, he acknowledged that many of his figures were estimates and said that the number of prisoners was unimportant. The important point, he stressed, was that there were political prisoners in South Vietnam and that peace would not exist until they were released.

Analysis of total prison population

The Embassy investigated Chan Tin's allegations in what was termed "an exhaustive survey utilizing all available sources" and forwarded its findings to the State Department in Embassy Airgram A-296, dated December 26, 1973. The Embassy concluded that Chan Tin's estimates were without foundation and that the total prison and detention center population for all of South Vietnam was only 35,000.

The Embassy's supporting documentation included (1) prison statistics as of December 31, 1972, for the government's national and provincial prisons and (2) internal government prison documents obtained through sources which the Embassy believed to be reliable. We examined public safety reports for 1966-72 provided by former advisors. These reports indicated that the average annual prison population ranged from a low of 28,893 to a high of 35,279, with the monthly population never exceeding 40,000. Shown below are the Embassy's prison population figures, which are relatively consistent with public safety reports.

Number of Prisoners in National and Provincial Prisons

<u>Year</u>	<u>High</u>	<u>Low</u>	<u>Annual average</u>	<u>Total prison capacity</u>
1966	33,437	23,000	28,893	22,190
1967	35,442	30,218	33,323	22,190
1968	34,122	29,960	30,371	26,025
1969	36,871	34,023	35,279	34,355
1970	33,952	30,171	32,754	35,075
1971	32,506	28,255	30,495	36,923
1972	39,790	27,570	34,126	36,923
1973	Not available		33,139	36,923
1974	Not available		33,732	36,923

Breakdown of Prison Population by Location

	<u>Prison population</u>		
	<u>12-31-72</u>	<u>7-24-73</u>	<u>7-28-74</u>
National prisons:			
5 facilities (note a)	20,501	15,342	16,449
Provincial prisons:			
Region I --5 facilities	3,066	2,470	2,744
Region II --9 facilities	5,526	3,637	4,933
Region III--7 facilities	2,637	2,069	2,689
Region IV --14 facilities	7,927	6,115	6,917
Held separately pending release	-	3,506	-
Total	<u>39,657</u>	<u>33,139</u>	<u>33,732</u>

a/ One facility was designated as a children's protection center in June 1973.

Although a comparison of public safety prison statistics with Embassy statistics does not conclusively validate the Embassy estimates, it does tend to indicate that the Embassy data was reasonable. Also, information obtained in interviews

with former public safety personnel and other officials generally supported the Embassy's statistics.

Interrogation centers and lower level jails

In July 1974 the Embassy estimated that interrogation centers and lower level jails held about 2,000 prisoners. This estimate was based on (1) familiarity with the detention system, (2) data provided through reliable independent sources, and (3) data provided by consulate personnel who, through their normal duties, were familiar with circumstances below the province level. Former public safety advisors and other officials we interviewed believed the estimate was realistic.

Embassy officials said facilities below the province level were not designed to detain people for more than a few days. Interrogation centers, however, were administered by a special branch of the police, and prisoners could be detained longer there than in other lower level facilities. However, U.S. advisory personnel normally did not have access to special branch interrogation centers; thus, only limited information about such facilities was available.

Military detention facilities

According to Embassy officials, there were no military prisons in South Vietnam. Military personnel sentenced by military courts served their sentences in civilian prisons. There were, however, military detention centers for minor offenses and military pretrial confinement centers for military personnel awaiting trial for more serious offenses. According to the Embassy, the population in 4 such pretrial confinement centers on August 29, 1974, was about 9,000. However, because detention centers were widely scattered, were under local control, and involved short sentences and a fluctuating population, we were told that no reliable estimate of personnel held therein was available.

Finally, the Embassy said there were 4 prisoner-of-war camps in Vietnam with a reported population of about 1,000 in August 1974. These individuals, according to the Embassy, were captured after the initial prisoner-of-war lists were drawn up and exchanged under the Paris Agreement.

Specific data on alleged political prisoners

To test the accuracy of published allegations, we requested the Embassy to provide specific information on a sample of 50 persons who had been identified in various publications as political prisoners. Some of the names we

selected were taken from articles inserted in the "Congressional Record." We asked the Embassy to determine whether these individuals were, in fact, incarcerated; where and how long they had been held; what they had been charged with; whether they had been convicted; and what their physical condition was.

The Embassy furnished data obtained from the Government of Vietnam and U.S. Government sources on 48 of these persons. All had been charged with specific crimes. Twenty-two had been released by August 1974 and 26 were still imprisoned, as shown below.

<u>Charge</u>	<u>Status as of August 1974</u>		
	<u>Total prisoners charged</u>	<u>Still imprisoned</u>	<u>Released</u>
Communist activities	21	9	12
Treason	13	9	4
Disturbing the public order	9	7	2
Communist commo-liaison agent	2	0	2
Liaison with Communists	1	0	1
Treason/espionage	1	0	1
Communist guerrilla	<u>1</u>	<u>1</u>	<u>0</u>
Total	<u>48</u>	<u>26</u>	<u>22</u>

The Embassy said no data was available on the other two names we provided. Analysis of the information provided showed that:

- Sentences for the same charge varied greatly. For Communist activities, sentences ranged from 1 to more than 4 years. For treason, the range was from 1-1/2 to more than 15 years. For disturbing the public order, the range was from slightly more than 1 to more than 5-1/2 years.
- Of the 26 prisoners still imprisoned, 15 had served their initial sentences but were still in jail because their sentences were "* * * prolonged legally for bad behavior." The lengths of the extended sentences were not disclosed.
- Of the 26 prisoners still imprisoned, 19 had been tried and sentenced by military courts.
- The physical condition of 25 persons was "unknown" and 23 were "alive." Twenty of the latter were reported to be "healthy."

Treatment of prisoners

Because the Embassy said it had no concrete evidence verifying the existence of political prisoners, it did not provide information on how such prisoners were treated. We did obtain general information, however, on prison conditions and prisoner treatment from a public safety program assessment report and discussions with officials, including a physician. These sources indicated that overcrowding and inadequate food were problems in the prisons. These officials, including an American doctor who previously visited the prisons regularly, believed that health care and lack of food were problems, but not serious ones. These problems were attributed to Vietnam's limited budget, lack of sufficient and well-trained personnel, low pay scales, and wartime conditions.

Interviews with former U.S. advisory personnel who had access to the national and provincial prisons suggested that widespread, systematic mistreatment of prisoners was not a government policy, although some abuses had occurred. U.S. advisory personnel, however, usually did not have access to special branch interrogation facilities. According to a former public safety official, special branch personnel were involved in security operations similar to those of the U.S. Federal Bureau of Investigation. An Embassy official stated that special branch interrogation procedures included repeated interrogation of suspects to identify inconsistencies in their statements but that, if mistreatment occurred, it was not common and violated official policy.

We were not able to verify statements made to us concerning treatment of prisoners.

BUDGETED U.S. DOLLAR ASSISTANCE TO
GOVERNMENT OF VIETNAM PUBLIC-SAFETY-RELATED AGENCIES,

FISCAL YEARS 1955-74

	<u>Fiscal year</u>						<u>Total</u>
	<u>1955-69</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	
(000 omitted)							
AID funding:							
National Police	\$ 83,917	\$ 9,395	\$ 7,320	\$ 6,571	\$ 5,679	\$ -	\$112,882
Telecommunications	29,632	2,250	1,936	1,550	981	-	36,349
Corrections	1,549	223	196	416	167	-	2,551
AID technical support	-	-	-	-	-	821	821
Logistics technical support	-	-	-	-	-	196	196
Engineering technical support	-	-	-	-	a/126	870	870
Total	\$115,098	\$11,868	\$ 9,452	\$ 8,537	\$ 6,827	\$1,887	\$153,669
DOD (operation and maintenance, Army) funding:							
National Police	\$ 6,341	\$ 4,273	\$ 3,203	\$ 6,764	\$ 8,735	\$ -	\$ 29,316
Telecommunications	7,214	1,399	2,200	1,781	3,750	-	16,344
Logistics technical support	-	-	-	-	-	7,519	7,519
Engineering technical support	-	-	-	-	a/152	1,343	1,343
Ammunition (note b)	3,000	1,000	1,000	623	1,246	857	7,726
Total	\$ 16,555	\$ 6,672	\$ 6,403	\$ 9,168	\$13,731	\$9,719	\$ 62,248
DOD requisitioning authority (procurement--equipment, missiles, Army appropriation):							
National Police	\$ 8,600	\$ 3,400	\$ 1,900	\$ 1,800	\$ 1,764	\$1,764	\$ 19,228
Total	\$ 25,155	\$10,072	\$ 8,303	\$10,968	\$15,495	\$11,483	\$ 81,476
Program total	\$140,253	\$21,940	\$17,755	\$19,505	\$22,322	\$13,370	\$235,145

a/ Non-add. Money transferred from the National Police or the telecommunications project to this project. Money shown as a part of original project.

b/ Fiscal years 1955-71 ammunition figures are estimated. Fiscal years 1972-74 are actual figures as supplied by the Government of Vietnam.

LOCAL CURRENCY (PIASTER) OBLIGATIONS

FOR POLICE-RELATED SUPPORT,

CALENDAR YEARS 1955-74

	<u>1955-69</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>Total</u>
	(000,000 omitted)						
National Police:							
Counterpart special account	2,160.9	1.2	120.8	40.3	-	-	2,323.2
AID-DOD realignment (non-add) (note a)	-	(50.0)	(43.1)	(992.7)	(952.7)	-	(2,038.5)
Public safety telecommunications:							
Counterpart special account	210.6	26.6	62.9	18.8	28.2	-	347.1
AID-DOD realignment (non-add) (note a)	-	(88.0)	(124.1)	(128.8)	(256.2)	-	(597.1)
Correction centers:							
Counterpart special account	210.8	25.4	23.9	67.8	45.2	-	373.1
Engineering technical support:							
Counterpart special account	-	-	-	-	5.6	-	5.6
AID-DOD realignment (non-add) (note a)	-	-	-	(75.8)	-	-	(75.8)
Rural development support:							
AID-DOD realignment (non-add) (note a)	-	-	-	-	(165.1)	-	(165.1)
Total counterpart special account	<u>2,582.3</u>	<u>53.2</u>	<u>207.6</u>	<u>126.9</u>	<u>79.0</u>	<u>-</u>	<u>3,049.0</u>
Total AID-DOD realignment (non-add) (note a)	-	(138.0)	(167.2)	(1,197.3)	(1,374.0)	-	(2,876.5)

a/ These amounts are shown here only for informational purposes. Beginning in 1970, a portion of the service-funded appropriation supporting the National Police was used for direct piaster purchase. Since the service appropriation is already shown under dollar support, the piasters purchased with this money cannot be counted as additional support.

DEPARTMENT OF STATE
AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C. 20523

OCT 10 1975

Mr. J. Kenneth Fasick
Director
International Division
U.S. General Accounting Office
Washington, D.C. 20548

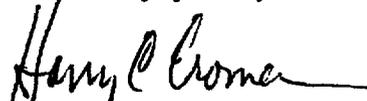
Dear Mr. Fasick:

Thank you for providing your draft report "Stopping United States Assistance to Foreign Police and Prisons," for comments. The report has been reviewed with interest by officials in the Department of State and the Agency for International Development.

The enclosed comments provided me by the Assistant Administrator for Program and Management Services represent a joint response of the Department of State and the Agency for International Development.

We appreciate having had the opportunity to review and comment upon the draft report. Please let me know if I can be of any further assistance.

Sincerely yours,


Harry C. Cromer
Auditor General

Enclosure:

Comments.

DEPARTMENT OF STATE/
AGENCY FOR INTERNATIONAL DEVELOPMENT
COMMENTS ON GAO DRAFT REPORT,
"STOPPING UNITED STATES ASSISTANCE
TO FOREIGN POLICE AND PRISONS"

(See GAO note 1, p. 67.)

Public Safety

At the outlet, I want to thank you for the opportunity to comment on the draft report. The Department of State and the Agency for International Development concur with the reports assessment of the termination of AID Public Safety programs, except the portion of Chapter 3 entitled "Questionable Commodity Procurements". We also disagree with some portions of other chapters in the draft report.

With respect to Chapter 3, the GAO questions the procurement of 71 trucks, 75 transceivers, parachutes and other equipment for various elements of the Thai National Police after the enactment of the FAA of 1973 on December 17, 1973. Specifically, the GAO questions whether such procurement qualified under the criteria of Section 617 of the FAA for entering into new contracts during the eight month windup period.

As the report indicates, project implementation orders were issued for the above cited equipment following a unilateral U.S.G. decision to cancel procurement on a similar dollar amount of military-type weapons. The covering Project Agreement obligating the funds remained valid, signed jointly by both the Thai Government and A.I.D. The Weapon procurement was cancelled despite the recognition of the paramilitary responsibilities of some Thai National Police elements and their need for adequate armament. In an attempt to assure the TNP could acquire these needed weapons, with its own resources, A.I.D. undertook to reprogram the funds to procure other equipment required by the Thai National Police. Thus, A.I.D. fulfilled its original agreement, albeit for a different set of commodities.

Furthermore, A.I.D. questions the GAO interpretation of the term "new contract" in this instance. In effect, the signature of

- GAO notes:
1. References in appendixes II and III may not correspond to the pages and sections cited. Pertinent information provided by the agencies has been incorporated in the final report, as appropriate.
 2. Deleted comments relate to suggested changes that have been made and matters revised or omitted in the final report.

the Project Agreement concluded a contract with the Royal Thai Government. Subsequent purchase orders for the alternate equipment are simply a required method of implementing the basic contract and not a "new contract". Thus, we believe the completion of this project was entirely in accord with the provisions of section 617 of the FAA.

Narcotics Control Assistance

Some general comments appear in order for the entire Chapter 4 entitled "Problems Relative to Narcotics Assistance".

It is certainly true there has been a significant increase in the dollar value of commodity assistance under the International Narcotics Control Program. However, it is equally true there has been a significant increase in both the level and effectiveness of foreign police narcotics enforcement. Much of that increase must be directly attributed to the equipment provided by A.I.D. on behalf of the U.S. Government. Similarly, credit must also be given to the establishment of special narcotics units by the police in many countries including (but not limited to) Thailand, the Philippines, Colombia, Peru and Ecuador. It is also worth noting that narcotics assistance is being provided to the less developed countries. Most of these countries have too many other requirements and serious budgetary limitations which prevent them from immediately enhancing their narcotics enforcement capabilities. The U.S. Government has, therefore, been faced with two options: (1) depend on the foreign government over a many year time span to develop its narcotics enforcement capability; or (2) attempt to speed up the process by providing equipment, training, and advisory assistance.

There is no doubt assistance earmarked for narcotics control that can be shared with non-narcotic foreign police elements. Indeed, a traffic control squad, a burglary squad, or a detective section requires essentially the same equipment as a narcotics unit. The danger of diversion of equipment provided under the narcotics program has been significantly reduced, however, by virtue of the fact that most assistance is provided to recently established special narcotics units. It is a little more difficult however, to insist that a mobile Customs patrol confine its activities exclusively to the interdiction of illicit narcotics. Obviously

their activities must be directed toward the interdiction of all contraband.

Both types and quantities of equipment provided under the International Narcotics Control Program are given close scrutiny by the relevant interagency committees. Indeed, these committees have refused in the past and can be expected to refuse in the future to approve the provision of specific items of equipment not considered essential for narcotics control. As foreign governments' understanding of the limits of assistance which will be provided under the narcotics program have improved, requests for inappropriate equipment have declined significantly. Similarly, quantities of additional equipment are expected to decrease in the coming years as the narcotics units become established at planned levels.

The GAO should be aware that the U.S. Government makes every effort to assure equipment provided under the narcotics program is employed for the purposes intended. This purpose is specified in the agreements with the recipient countries, and those countries are cautioned against use of the equipment provided for other purposes. Embassies, A.I.D. Missions, A.I.D. Narcotics Advisors, DEA agents, and A.I.D. auditors are all alert to the possibility of diversion of equipment and the need for vigilance to assure this does not occur. Inasmuch as most of the equipment is provided to narcotics enforcement units, any decrease in activity owing to a reduced availability of equipment should be quickly noticed.

We would appreciate some clarification of the intent of the GAO in the first full paragraph on page 31. Evidently the A.I.D. Mission Director in the Philippines feared the earlier unsupportable criticism of Public Safety would continue to be directed toward A.I.D. in connection with police activities under the narcotics program. The GAO states that it shares this concern because the narcotics program will be difficult to monitor. We are uncertain whether GAO shares the Mission Director's concern about A.I.D.'s involvement with the narcotics program per se or only with the difficulty any agency would experience in monitoring this program.

In summary, the International Narcotics Control Program, to achieve the objective of effective narcotics enforcement, requires the provision of equipment utilized by all types of enforcement activities. The vast majority of this equipment is provided to newly established narcotics enforcement units and all agreements

specifically state the equipment is provided for narcotics enforcement activities. While there are possibilities of diversion of the equipment for other enforcement purposes, every attempt is being made to assure this does not occur. In view of the progress being made toward the achievement of the International Narcotics Control Program objectives, the Administration believes the ultimate benefits outweigh the risks associated with the program.

(See GAO note 2, p. 67.)

DOD Support of Public Safety Activities

The Department of State concurs with the Department of Defense comments submitted separately regarding Military Assistance to foreign military units that engage in law enforcement. In particular State believes page 3 of the Digest and Chapter 5 contain some erroneous and misleading statements. For example, since the enactment of legislation prohibiting assistance to foreign law enforcement agencies, guidelines on military assistance prohibit assistance to military units having dual roles of defense and law enforcement. Similarly, guidelines on MAP funded training require an assurance by the foreign government that personnel trained by DOD will not at a minimum be rotated in their next assignment to units performing law enforcement activities. At the same time DOD has reviewed the content of its training programs to assure topics peculiar to law enforcement are not included in their courses.

While the Department cannot quarrel with the statement that common use support facilities receiving assistance may be used by units declared ineligible for direct U.S. assistance, we believe the GAO recognizes such instances are unavoidable and may wish to alter its language to make this point clear. Common use support facilities such as logistics and communications are vital to the efficient and effective functioning of any military organization. To end U.S. assistance to such units would, in large measure, negate assistance to other parts of the same organization determined important to U. S. National security interests.

(See GAO note 2, p. 67.)

(See GAO note 2, p. 67.)

The Department is unaware of any civilian organization which has been provided military assistance as implied by the last sentence in the first paragraph of Chapter 5, and again on page 37. We assume reference is being made to National Police or Gendarmerie which in some countries are military organizations performing police functions and no longer receiving MAP assistance.

(See GAO note 2, p. 67.)

Political Prisoners

(See GAO note 2, p. 67.)

While it is true Sections 32 of the Foreign Assistance Act of 1973 and 502B of the Foreign Assistance Act of 1961 as amended represent a "sense of the Congress" it is also important to note that it is also State Department policy to be as responsive as possible to the Congressional intent contained in these two Sections.

(See GAO note 2, p. 67.)

The GAO

In the conclusions on page 50 the GAO indicates the difficulty in defining "political prisoners" as one of the major reasons the State Department has not cutback or terminated assistance to any foreign government based on the legislative amendments. It would be more accurate to state: "...difficulty in determining the complex facts against which to apply the sense of Congress as stated in the Resolution".

As stated above, while these sections express a "sense of the Congress" policy, the Department is trying to be as responsive as possible to the Congressional intent.

October 1975



OFFICE OF THE DIRECTOR DEFENSE SECURITY ASSISTANCE AGENCY
AND
DEPUTY ASSISTANT SECRETARY (SECURITY ASSISTANCE), OASD/ISA
WASHINGTON, D.C. 20301

4 NOV 1975

In reply refer to:
I-24301/75

Mr. Kenneth Fasick
Director
International Division
U.S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Fasick:

The sections of the GAO draft report, dated 30 July 1975, "Stopping United States Assistance to Foreign Police and Prisons" (OSD Case #4131) have been reviewed.

Comment on the recommendation and conclusions pertaining to the DOD is contained in the attachment to this letter.

Comment on security classification will be furnished separately.

It is requested that these comments be incorporated in the final report or published as an appendix thereto.

Sincerely,

Attachment
a/s

H.M. Fish
Lieutenant General, USAF
Director, Defense Security Assistance Agency
and
Deputy Assistant Secretary (ISA), Security Assistance



I-24301/75

DEPARTMENT OF DEFENSE COMMENTS

GAO DRAFT REPORT: "STOPPING UNITED STATES ASSISTANCE
TO FOREIGN POLICE AND PRISONS" (OSD CASE #4131)

GAO Recommendation: That the Secretary of Defense review the steps taken to comply with the intent of Section 112, and institute appropriate controls to insure that MAP assistance is not provided to military units of foreign governments that engage in law enforcement.

Defense Comment: The Department of Defense has in the past and continues to take positive action to prevent MAP assistance equipment from being used by foreign police forces.

Very few governments would be willing to risk losing military assistance by making large scale use of indirect methods to benefit law enforcement activities as suggested in the conclusion of the report.

The Department of Defense will review the steps taken to comply with the intent of Section 112, and if necessary, will institute appropriate controls to insure that MAP assistance is not provided to military units of foreign governments that engage in law enforcement.

Recommended Legal, Technical and Editorial Corrective Changes to the Report:

On page 24 of the draft report the GAO inquired on behalf of a member of Congress as to legality under Section 660 of the Foreign Assistance Act of 1961, as amended, of the \$77 million Vinnell contract for the training of the Saudi Arabian National Guard and infantry. The report states that the GAO "was advised that no Foreign Assistance Act funds were being used for the contract. Funds are provided to DOD by Saudi Arabia under a foreign military cash sale procedure. Accordingly, our General Counsel concluded that the prohibition expressed in Section 660 is not applicable to the contract in question." The report overlooked the point that the Saudi Arabian National Guard is not a police force.

(See GAO note 2, p. 67.)

(See GAO note 2, p. 67.)

Under martial law, the civilian police could in some circumstances be responsible for civilian law enforcement on a day-to-day on-going basis with certain units of the armed forces having only a back-up reserve role but no active participation in civilian law enforcement. The Congress was not prohibiting FAA assistance to those units but appeared concerned rather with assistance to any units (however named) that were actually doing police work. "Paper responsibilities" were not the point of Section 112 or 660 FAA. Indeed, armed forces in most countries probably have some sort of constitutional "contingency" role to restore law and order; yet the Congress continues to authorize and appropriate funds for military assistance to various foreign armed forces. If contingency or "paper" responsibility of a particular unit is the correct legal criterion under these FAA provisions, then the purpose for which Congress appropriates these hundreds of millions of dollars annually would largely be frustrated.

(See GAO note 2, p. 67.)

On page 41, the draft report contains the following paragraph:

"DOD initially interpreted Section 112 as prohibiting support to units with both law enforcement and military functions. In its initial guidance to the missions, DOD said, 'Assistance is, however, prohibited to units which have a law enforcement function as well as combat functions.' (emphasis added). This guidance was subsequently revised when it became apparent that, in many countries, units with both law enforcement and traditional military functions were the rule rather than the exception. DOD clarified its interpretation by differentiating between units with 'on-going' law enforcement functions and those with 'contingency' roles. DOD said that only units actively performing law enforcement functions as part of their regularly assigned day-to-day operations were prohibited from receiving assistance.

(See GAO note 2, p. 67.)

As pointed out above, the clarified interpretation was instead designed to allow assistance to countries where the police and military were separate organizations and the military were not actively performing civilian police work. If the military and police were the same organization, and no units could be identified as "not actively performing civilian police work," then the effect of the clarified interpretation would be the same as the initial interpretation: no MAP to that organization.

(See GAO note 2, p. 67.)

No doubt remains in State-Defense guidance on the point: Units actively performing "dual functions" are ineligible for MAP. It is apparent that the GAO authors have not understood the conceptual difference between "mission" and "performance" which is the heart of the State-Defense guidance.

(See GAO note 2, p. 67.)

On pages 8 and 47, the draft report erroneously implies that Section 502B of the Foreign Assistance Act of 1961, as amended, is merely a "sense of the Congress" resolution. Subsection (b) of that section is a legally binding provision of the law that requires the President to advise the Congress of the extraordinary circumstances necessitating the furnishing of security assistance to any government which engages in a consistent pattern of gross violations of internationally recognized human rights.

Subsection (b) of Sec. 502B FAA is just as legally binding as the fourth sentence of Section 481(a) FAA, which requires the suspension of assistance to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotics produced or processed in or transported through such country "from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully."

(See GAO note 2, p. 67.)

PRINCIPAL OFFICIALS
RESPONSIBLE FOR ACTIVITIES
DISCUSSED IN THIS REPORT

Appointed

DEPARTMENT OF STATE

SECRETARY OF STATE:

Henry A. Kissinger
 William P. Rogers

Sept. 1973
 Jan. 1969

SENIOR ADVISOR TO THE SECRETARY
 AND COORDINATOR FOR INTERNATIONAL
 NARCOTICS MATTERS: (note a)

Ambassador Sheldon B. Vance
 Ambassador William J. Handley

Apr. 1974
 May 1973

AGENCY FOR INTERNATIONAL DEVELOPMENT

ADMINISTRATOR:

Daniel Parker
 John A. Hannah

Oct. 1973
 Mar. 1969

DIRECTOR, OFFICE OF PUBLIC SAFETY: (note b)

Lauren J. Goin
 Byron Engle

Apr. 1973
 Nov. 1962

DEPARTMENT OF DEFENSE

SECRETARY OF DEFENSE:

Donald H. Rumsfeld
 James R. Schlesinger
 William P. Clements, Jr. (Deputy
 Secretary
 of Defense)
 Elliot L. Richardson

Nov. 1975
 July 1973
 June 1973
 Jan. 1973

ASSISTANT SECRETARY OF DEFENSE
 (INTERNATIONAL SECURITY AFFAIRS):

Amos A. Jordan (acting)
 Robert F. Ellsworth
 Amos A. Jordan (acting)
 Robert C. Hill
 Lawrence Eagleburger (acting)

Jan. 1976
 June 1974
 Apr. 1974
 May 1973
 Feb. 1973

DIRECTOR, DEFENSE SECURITY ASSISTANCE
AGENCY/DEPUTY ASSISTANT SECRETARY OF
DEFENSE (SECURITY ASSISTANCE):

Lt. General Howard M. Fish	Sept. 1974
Lt. General Howard M. Fish (acting)	Aug. 1974
Vice Admiral Raymond E. Peet	June 1972

^aAlso serves as Executive Director, Cabinet Committee on
International Narcotics Control.

^bThe Office of Public Safety was abolished March 31, 1975.

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