

**MEMORANDUM OF JUSTIFICATION TO ACCOMPANY CERTIFICATION
UNDER SECTION 7045(b)(2)(A) OF THE DEPARTMENT OF STATE, FOREIGN
OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2020 (Div. G,
P.L. 116-94)**

Context:

Section 7045(b)(2)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (Div. G, PL 116-94) (FY 2020 SFOAA) provides that 20 percent of the funds made available for assistance for Colombia under the International Narcotics Control and Law Enforcement (INCLE) account may be obligated only after the Secretary certifies and reports to the Committees on Appropriations that the Government of Colombia is continuing to implement a national whole-of-government counternarcotics strategy intended to reduce by 50 percent cocaine production and coca cultivation levels in Colombia by calendar year (CY) 2023. Section 7045(b)(3) provides an exception to this requirement for aviation instruction and maintenance and maritime and riverine security programs.

Overview:

The Department assesses the Colombian government meets the FY 2020 certification requirement to continue to implement a national whole-of-government counternarcotics strategy intended to reduce by 50 percent cocaine production and coca cultivation levels in Colombia by the end of CY 2023. This assessment is based on data available and results achieved during CY 2020. Colombian President Ivan Duque, with support from the United States, continued to pursue an aggressive whole-of-government counternarcotics policy in 2020 and 2021, consistent with the five pillars articulated in its national counternarcotics strategy released in December 2018, by dismantling criminal organizations, reducing drug supply, reducing drug demand, combating money laundering, and increasing state presence in rural areas where narcotics trafficking thrives. Duque's government achieved striking results in 2020 despite challenges posed by the COVID-19 pandemic and a six-month national lockdown. An integrated eradication strategy, that includes targeted aerial eradication, is essential for Colombia to reach the joint five-year goal to reduce coca cultivation to 104,500 hectares and cocaine production to 450 metric tons (MT) by the end of CY 2023, a 50 percent reduction from 2017 levels. The Department expects the Colombian government's counternarcotics results will continue to increase with robust U.S. support. Our joint efforts will decrease the availability of cocaine in the United States and Colombia, reduce the number of cocaine-related overdose deaths in the United States, and lessen migration caused by narco-trafficking-related violence from countries in the transit zone to the United States.

Dismantling Criminal Organizations: Colombian police and prosecutors maintained pressure against transnational organized criminal groups by arresting and prosecuting members of the most influential narco-trafficking organizations, including high-level Clan del Golfo (CDG) leaders and a member of a Revolutionary Armed Forces of Colombia (FARC) dissident group's central command. The Attorney General's Office obtained 1,157 indictments, and won 770 guilty convictions in high-value drug trafficking and transnational organized crime (TOC) cases from May 2019 to April 2020. In drug trafficking cases that went to trial, prosecutors improved

their conviction rate to 98 percent for the May 2019-April 2020 period, up from 58 percent in 2017. In July and August, INL-mentored prosecutors secured guilty pleas from four members of the CDG on charges of aggravated conspiracy to finance terrorism and a separate maximum sentence (60 years) for the leader of the “Los Urabeños,” a dangerous CDG substructure. Despite significant delays and complications caused by COVID-19 restrictions, the Colombian government extradited 82 members of transnational criminal organizations to face trial in the United States as of October. The Colombian government, with assistance from the Bureau of International Narcotics and Law Enforcement Affairs (INL), has continued to reform and modernize its correctional facilities to reduce recidivism and recruitment, further dismantling criminal organizations. Colombia worked to combat criminal groups’ illicit activities beyond drug trafficking, including environmental crimes and illegal mining.

Reducing Drug Supply: The Colombian government made significant progress in CY 2020 to implement its strategy by eradicating coca, continued efforts to restart aerial eradication, and seized narcotics and precursor chemicals used in the production of narcotics.

- **Coca Eradication:** The Colombian police, military, and contractors eradicated coca faster than any time in the past decade and destroyed a total of 130,147 hectares through forced eradication during the year, exceeding Colombia’s annual goal of eradicating 130,000 hectares in CY 2020. Colombia achieved this historic level of manual eradication despite challenges from the COVID-19, a dramatic increase in coca grower protests opposing manual eradication, and a rise in violent attacks against eradicators. Significant progress has also been made to re-establish a safe, limited, and targeted Colombian-led aerial eradication program that meets the administrative and oversight requirements established by the Colombian constitutional court. This progress included holding public consultations and hearings, which concluded in December, as part of the environmental licensing process, and work to finalize the December 2019 draft decree detailing the government’s plan to monitor and manage potential health and environmental risks. Steps were also taken in CY 2020 to ensure operational readiness, in line with environmental and health requirements. Media reported on October 27 that Minister of Defense Trujillo stated seven AT-802 spray planes were operationally ready to conduct aerial eradication.
- **Narcotics Production Reduction:** The Colombian government seized significant levels of both narcotics and narcotics production precursor chemicals in CY 2020. The Colombian police and military seized or assisted in the seizure of 22,868 MT of solid precursor chemicals in 2020 (22,230 MT in CY 2019) and nearly 5 million gallons of liquid precursor chemicals used in the production of cocaine (4.5 million gallons in CY 2019). Colombian police reported COVID-19 challenges reduced CY 2020 seizures. The Colombian police and military forces destroyed 4,990 coca base labs (5,136 in 2019) and 236 cocaine labs (326 in CY 2019), preventing the production of hundreds of MT of cocaine.
- **Drug Trafficking Reduction:** During CY 2020, Colombian forces and international partners – acting on intelligence provided by Colombia – seized 579.9 MT of cocaine and cocaine base in Colombia and abroad, despite the COVID-19 pandemic and a six-month

national lockdown. In CY 2020, Colombia demonstrated its regional leadership to prevent narcotics trafficking, particularly to the United States. Since April 2018, six Colombian-led multinational maritime interdiction operations have seized a combined total of more than 280 MT of cocaine. The last of these operations, Orion VI conducted September 15-October 30, 2020, with 29 participant countries, seized 90.7 MT of cocaine, surpassing the previous record from Orion V, April–May 2020, which seized 50 MT of cocaine.

Reducing Drug Demand: Colombia supports evidence-based and evaluated drug demand prevention and treatment projects, designed to reduce drug use among vulnerable populations across Colombia and to increase efficiency of the criminal justice system. Partnerships with the Ministries of Justice, Health, and Education, the Colombian Family Welfare Institute, and mayors' offices successfully facilitate programs with drug treatment courts and alternatives to incarceration in the juvenile justice system. Of the 134 graduates of one such drug treatment program this year, 90 percent of the graduates report reduced drug consumption and have avoided subsequent arrests.

Combating Money Laundering: Both the 2018 Financial Action Task Force of Latin America mutual evaluation report and the June 2020 national risk assessment note the number of investigations, prosecutions, and convictions for money laundering related crimes in Colombia are increasing, but are still not proportional to the size of the criminal risk profile. Colombia has responded positively to these assessments and is implementing their recommendations to improve its response to money laundering. With assistance from INL, the Colombian government has drastically increased its capacity to combat money laundering demonstrated by ongoing efforts to seize counterfeit products, narcotics, and property, sell seized assets, and reinvest proceeds from the sale of seized assets in the government's counternarcotics fight. INL programming helped establish a transnational criminal investigative unit in March 2020 to combat trade-based money laundering and tackle corruption in the Port of Buenaventura, a primary transshipment point for cocaine and illicit goods. The unit has made several large seizures, including counterfeit products such as perfumes, name-brand clothing, contraband cigarettes, and chemical precursors used for counterfeit perfumes. The unit played a significant role in the seizure of 2.5 MT of cocaine, and as of the end of September, the unit reports the accumulated value of its seized goods is \$5.35 million. Furthermore, the Colombian Forfeited Illicit Assets Agency has worked closely with INL to prepare a bulk asset sale of over 5,000 seized properties to reduce its enormous inventory and fund future counternarcotics operations.

Increasing State Presence in Rural Areas: Colombia took strides to improve permanent state presence in rural areas to secure eradication goals, create the conditions for licit economic development, and protect vulnerable rural populations from criminal organizations. A June analysis by the Colombian government estimated the government spends half of its defense budget on personnel, installations, and operations in rural areas – an amount totaling \$2.6 billion in CY 2020. The Colombian government, in partnership with INL, has constructed new rural police bases in Antioquia, Caquetá, and Guaviare departments and will construct at least five more in 2021 in the areas hardest hit by narco trafficking and violence. In addition to advancing policing, the Colombian justice ministry, judiciary, and offices of the public defender and attorney general worked with INL in 2020 to develop a plan to expand state presence and the

capacity of the criminal justice system in rural Colombia.

U.S. INCLE Assistance to the Government of Colombia Subject to Certification:

The U.S. government through INL provides robust support to help implement President Duque's counternarcotics strategy. This assistance is critical to the success of the U.S.-Colombia bilateral agreement to cut coca cultivation and cocaine production by 50 percent of CY 2017 levels by the end of CY 2023. FY 2020 INCLE planned allocations for assistance to Colombia are detailed below:

FY 2020 INCLE Colombia Bilateral Programs Subject to Certification – \$127,000,000

Counternarcotics

Eradication: INL assistance enables Colombia's integrated eradication strategy through support for manual eradication by the Colombian National Police (CNP) and military and contract manual eradicators; preparations for targeted, Colombian-led aerial eradication; and new technologies for eradication, such as agricultural spray drones and ground-based spray.

Interdiction: INL provides training and equipment to strengthen Colombia's land, riverine, and maritime narcotics and precursor interdiction forces to mitigate the threat posed by cocaine production and trafficking. Assistance enables interdiction operations; enhances investigations and intelligence capacity; and provides capacity building at ports (sea, land, and air).

Demand Reduction: INL assistance supports targeted, evidence-based drug demand prevention and treatment projects, designed to reduce drug use and related criminality in communities across Colombia.

Citizen Security and Law Enforcement

Rural Security and Law Enforcement Professionalization: To sustain eradication gains, combat well-organized narcotraffickers, and create a level of security that allows economic development projects, INL helps the CNP to increase citizen security and build capacity to engage rural communities, including through leadership training, recruitment, and construction of police bases in strategic rural areas.

Corrections: INL provides targeted technical advice and training to Colombia's corrections authority to support its efforts to reform to internationally accepted corrections standards through the American Correctional Association and modernize the administration of Colombia's corrections system.

Transnational Threats and Crime

Anti-Money Laundering: INL has increased training and technical assistance for Colombian officials to address the lifecycle of financial crimes – from investigation to prosecution, from seizure to asset forfeiture, and finally, to the liquidation of seized assets.

Illegal Mining and Environmental Crimes: INL supports Colombia's efforts to combat criminal groups' illicit activities beyond drug trafficking, including environmental crimes like illegal gold mining. Support includes training, equipment, and operational support to the CNP's anti-illegal mining unit and the Army's counter-mining brigade.

Rule of Law

Rule of Law: INL seeks to increase the ability of Colombian criminal justice actors including the Attorney General's Office, the police, and the judiciary to investigate, prosecute, and adjudicate complex crimes including drug trafficking, human rights, and corruption, and to complement efforts to strengthen state presence throughout the country, including in rural and remote areas.

Human Rights: INL is designing specialized training for judges to better manage cases on organized crime and social leader homicides. INCLE funding will continue to assist the Attorney's General Office to investigate clandestine graves from Colombia's conflict era.

Alternatives to Incarceration: INL partners with the Colombian government to facilitate drug treatment courts and alternatives to incarceration in the juvenile justice system.

FY 2020 INCLE Centrally-Managed Programs Subject to Certification – up to \$1,871,686

INL's centrally-managed programs work with countries and organizations around the world to counter security threats caused by narcotics trafficking and drug use. FY 2020 funding will support Colombia's inclusion in these activities. These programs not only complement INL's bilateral efforts, but also play a critical function in supporting U.S. anti-drug policies in international fora, enforcing global standards for government capacity to counter drug-related criminal activity and address the international drug epidemic. The below programs use INCLE funds to provide assistance for Colombia, but are not exclusive to Colombia.

Drug Demand Reduction (DDR) funds support drug use prevention, treatment, and recovery initiatives, including universal treatment and universal prevention curricula training, capacity building, community coalitions, alternatives to incarceration, network development and support interventions, and efforts designed to advance INL's DDR population-level impact evaluation.

Drug Supply Reduction funds support drug supply reduction interventions, including training, capacity building, and international cooperation to reduce the diversion and illicit production of synthetic drugs and their precursors; counter transnational organizations that traffic in such substances, particularly by mail; strengthen public private partnerships; and enhance data collection and information sharing on trafficking and use trends.

Colombian officials participate in in-person and virtual counternarcotics training hosted by **International Law Enforcement Academies** on trends in counternarcotics, counternarcotics operations planning, money laundering and financial investigations, anticorruption, and international seaport interdiction, covering topics such as inspection and detection techniques and passenger and commercial vessel concealment methods.

INL will continue to include Colombia in global programming to **combat wildlife trafficking** including training and technical assistance to build regional cooperation to counter poaching and transit of wildlife products. Colombia is a member state of the United Nations and the Organization of American States and benefits from INL's support to the UN Office on Drugs and Crime, the UN Commission on Narcotic Drugs, and the Inter-American Drug Abuse Control Commission, which are partners and implementers of INL programs in Colombia.