

Case Study

Illicit Arms Transfers to the Colombian Illegal Groups

“[W]ell-armed guerrillas, paramilitary organizations, and narcotraffickers challenge governmental control in Colombia. If these organizations acquire more technologically advanced systems, governments will face an even greater threat. SOUTHCOM’s challenge is to develop a cooperative approach with regional security forces to identify, stem and ultimately stop the illegal flow of arms within the region. A good first step was the passage in the Organization of American States of the Inter-American Convention Against Illicit Production of and Trafficking in Firearms, Ammunition, Explosives and Related Materials, now awaiting Senate ratification.”

—GENERAL CHARLES E. WILHELM
Commander and Chief, US Southern Command⁵¹

Section III highlights the ways in which the Convention could help to rein in illicit arms trafficking to the Colombian illegal groups. The section begins with a brief overview of the sources, methods and routes used by smugglers to keep the illegal groups’ vast arsenals stocked. Having identified the types of weapons and the means by which they are acquired, this information is used to demonstrate how rigorous implementation of the OAS Firearms Convention would help to prevent the diversion of government transfers to the illegal groups, and would bolster ongoing efforts by the Colombian government to dismantle arms smuggling networks that are fueling the internal war.

Firearms and the Colombian illegal Groups

The FARC, ELN and AUC are dependent upon the black and gray markets for many of the tools of their destructive trade. These weapons, which are purchased with drug profits or directly exchanged for drugs,⁵² are used to prosecute the ongoing war against the government and each other, and to ‘protect’ coca growers, drug processing facilities and the trafficking infrastructure. Firearms also play a

direct role in the illegal groups' other fundraising activities. Kidnapping and extortion — crimes often committed with firearms — accounted for around half of the revenue generated by the guerrillas and the paramilitaries in recent years.⁵³

Weapons and Sources

The Colombian illegal groups possess a wide array of small arms and light weapons with origins that span the globe and that range in sophistication from gas cylinder bombs which the FARC construct themselves⁵⁴ to technologically

Colombian Illegal Groups and Shoulder-fired Missiles

In light of the FARC's demonstrated willingness to target Americans, their alleged acquisition of shoulder-fired surface-to-air missiles (SAMs) is particularly disturbing. While conclusive evidence of FARC, ELN or AUC possession of these deadly weapons has not been made available to the public, evidence — including FARC statements, defector testimony, and analysis by government intelligence agencies — suggests that it is very likely that these groups possess at least a limited number of SAMs.⁵⁷

advanced imports. According to government documents and interviews with Colombian officials, the illegal groups' arsenals are stocked with mortars, grenades, grenade launchers, machine guns, submachine guns, RPG-7 rocket propelled grenades, and a variety of assault rifles. The FARC are also reported to have acquired Brazilian-made T-AB-1 anti-tank mines⁵⁵, Katyusha and other surface-to-surface rockets, night vision technology, and man-portable air defense systems (MANPADS).⁵⁶

Below is a brief summary of the means by which the Colombian illegal groups acquire these weapons. While most of the summary focuses on the international gray and black market transfers upon which these groups are most dependent, and which would be most vulnerable to disruption if the OAS Firearms Convention were fully implemented, other sources are touched upon as well to provide a more complete overview.

Craft production

The illegal groups have the capacity to produce some of their weaponry, including the gas cylinder bombs mentioned above. While devastatingly effective tools of terror, the military utility of the gas cylinder bombs at the tactical level is limited at best and thus cannot substitute for black market weapons. The FARC

has also set up weapons repair shops, some of which were allegedly equipped with machines capable of manufacturing firearms components.⁵⁸

Whether these facilities are capable of producing weapons of the quality needed by the FARC to engage in combat with the AUC and the Colombian military is unclear. Regardless, there is little evidence to suggest that craft production is a significant source of weaponry for the FARC and the other illegal groups.

The Colombian Armed Forces and INDUMIL

The Colombian government itself is another source of weapons for the illegal groups. In 2000, the FARC made off with a veritable arsenal from the Colombian military, including machine guns, grenade launchers, revolvers, mortars, Claymore mines, and rifles, during an attack on a naval base in Jurado.⁵⁹ The recent arrest of a National Police officer operating in Choco suggests that corrupt Colombian law enforcement and military personnel are another way for the Colombian illegal groups to acquire weapons. Colombian investigators found a \$20,000 grenade launcher in the police officer's home, which he reportedly intended to sell to the FARC. Individual members of the military are also alleged to have supplied weapons and other materiel to the AUC.⁶⁰

Members of the FARC have also acquired weapons from the State Military Industry Enterprise (INDUMIL), which produces — and coordinates the import of — weaponry used by the Colombian armed forces and police. In November 2002, police arrested 9 INDUMIL employees working in the imports department suspected of diverting dozens of weapons to the FARC.⁶¹

Publicly available information on the sources of the illegal groups' weapons is too incomplete to draw definitive conclusions about the importance of weapons captured or bought from the armed forces. Nonetheless, media and government reports suggest that the arms caches acquired this way are a small percentage of the thousands of weapons and millions of rounds of ammunition that sustain the operations of the illegal groups.⁶² In short, Colombian armed forces and INDUMIL are, at best, supplemental sources of weapons for the Colombian illegal groups.

International Grey and Black Market Transfers

While the cooking gas cylinder attacks make the headlines, publicly available information suggests that the majority of the weapons used by the illegal groups are smuggled in from abroad.⁶³ Weapons originating or circulating in dozens of

countries on at least five continents find their way into the hands of the Colombian illegal groups.⁶⁴

Illicit arms destined for the illegal groups pass through the territory of all of Colombia's neighbors. Traffickers operating in Brazil deliver thousands of weapons via airplane and along the many rivers that cut across both countries, often in exchange for cocaine.⁶⁵ The most notorious of these traffickers is Luiz Fernando Da Costa, a Brazilian drug and arms trafficker who was arrested by

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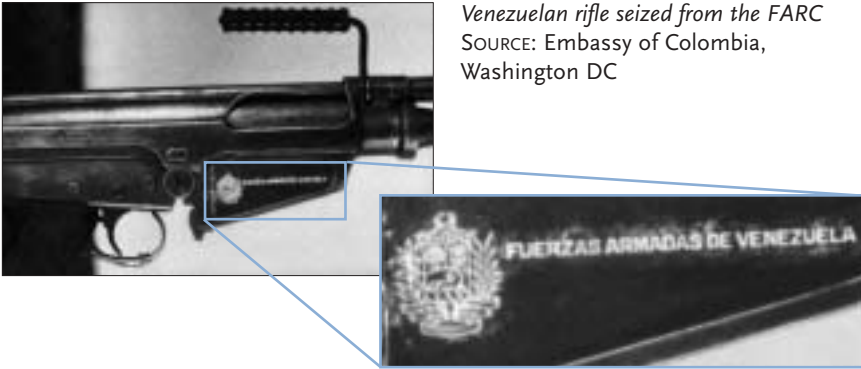
Colombian authorities in April 2001. Testimony collected from Da Costa reveals the scale of the drugs for guns trade between Brazil and Colombia. Da Costa claims to have purchased an average of 600 kg of "merchandise" per week from coca farmers in the Colombian town of Barranco Minas, paying the FARC in cash for the drugs and delivering large quantities of ammunition. According to the Brazilian kingpin, his contacts purchased the ammunition from a smuggler in

Paraguay who flew it into Colombia where it was loaded on speedboats, presumably for distribution to FARC fronts along the rivers near Barranco Minas. If Da Costa's estimates of his own trafficking are accurate, he delivered 150,000 boxes of ammunition — each containing 20 rounds — for a total of 3 million bullets to the FARC before he was apprehended by Colombian authorities.⁶⁶

In Ecuador and Venezuela, smugglers move weapons and military articles over the many roads and rivers that link the two countries with Colombia.⁶⁷ According to Colombian government officials and media sources, hundreds of these weapons started out in the possession of neighboring countries' armed forces. For example, SA/LW seized from the illegal groups that bear the symbol of the Venezuelan Armed Forces accounted for 400 of the 9,380 rifles seized from the illegal groups from 1995 to 2000.⁶⁸

Latin America experts estimate that small arms in Central America number in the millions.⁶⁹ These arms trickle into Colombia in a steady stream that flows through the Caribbean and the porous Costa Rican/Panamanian and Panamanian/Colombian borders, the latter of which was penetrated by "200 'critical' jungle paths that remain[ed] unsupervised" as of 2000.⁷⁰ Maritime and aerial deliveries of weapons from Nicaragua and El Salvador have also been reported.

Transoceanic shipments of weapons manufactured by arms producers like the states of the Former Soviet Union are another major source of weaponry for the illegal groups. According to media reports, Russian organized crime supplies



Venezuelan rifle seized from the FARC
SOURCE: Embassy of Colombia,
Washington DC

weapons to the FARC in exchange for cocaine to be sold in Russia, Europe and the Persian Gulf. Their relationship with Russian smugglers has been especially important to the FARC. Jane's Information Group credits Russian organized crime with providing the FARC with the weaponry it needed to double the number of its armed members in the mid-1990's.⁷¹

Trafficking Methods and Routes

The following section identifies several of the countries, routes and smuggling techniques used by gun runners to acquire and deliver their deadly wares to the Colombian illegal groups. Because the data are largely compiled from accounts of failed black market transfers, the picture it paints is incomplete, especially in regards to successful smuggling (i.e. the activities of the smugglers that evade detection). Nonetheless, these reports shed some light on the inner workings of trafficking networks and provide examples of transfers that might have been prevented had OAS member states fully implemented the Convention.



Light Machine Gun Confiscated from the FARC
SOURCE: Embassy of Colombia, Washington DC

By Air. According to officials from the Colombian Government's Administrative Department of Security (DAS), small aircraft are often used to transport arms from neighboring countries to the illegal groups.⁷² Colombian intelligence reportedly has "details of at least two arms-carrying flights a week"⁷³ mostly from neighboring countries, including Brazil, Paraguay, Suriname, Venezuela, and Panama.⁷⁴ In January 2001, for example, a plane flying into Colombia from

Venezuela was shot down by Colombian authorities. Inside the plane the Colombians discovered 15,000 rounds of ammunition for AK series assault rifles.⁷⁵

Weapons are also flown into Colombia via transcontinental flights. Perhaps the most sensational Latin American arms smuggling incident in the past ten years falls in this category. In 1999, 10,000 assault rifles were air dropped into FARC territory by a smuggling ring that included former Peruvian spy chief Vladimiro Montesinos and the “Merchant of Death” — Lebanese arms broker Sarkis Soghanalian.⁷⁶

Over Land. Stemming the cross-border flow of weapons to the illegal groups is complicated by Colombia’s vast, forested borders and the ease with which smugglers can conceal small quantities of weapons. Small arms and light weapons are often shipped along with innocuous commodities, such as food, or are hidden in secret compartments in vehicles.⁷⁷ According to DAS officials, perishable food items are often the commodities of choice among traffickers because border guards feel pressure to avoid inspection delays for fear the food will spoil as a result.⁷⁸ If shipments intercepted by Colombian authorities are any indicator, delivery via truck or bus is not uncommon. In September 2000, for example, the Colombian National Police pulled over a vehicle outside of Bogota that was en route to deliver 80 Chinese-made 86-P grenades and 15,000 rounds of AK-47 ammunition, allegedly from Ecuador, to the 22nd FARC Front.⁷⁹

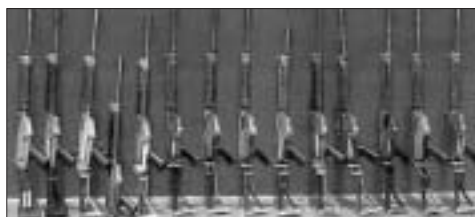
By Ocean, Sea and River. DAS officials interviewed for this report assert that the most common means of delivering weapons to the illegal groups is by way of the Caribbean Sea. Weapons are transported in different types of vessels including merchant marine ships and fishing boats. Some of the vessels travel directly to places along the shore while in other cases small speed boats offload the “mother ship” and deliver the cargo to pre-determined points on land.⁸⁰ From there, either the end-user takes possession of their order or the weapons are delivered to points inland via ground transport.⁸¹

Ocean and sea-going ships are not the only means of maritime delivery. Weapons are also loaded on smaller boats that run along the many rivers that cross the region.⁸² As recently as 1999, some of the areas of the Amazon were so loosely controlled that firearms for sale were “hung from ropes and hooks like in a swap meet” from boats congregating at the “floating shopping center” in the Amazon near the Colombian town of Leticia.⁸³

One of the best documented maritime deliveries of illicit arms to Colombia came to a head on 5 November 2001 when a Panamanian-registered ship, the Ot-

terloo, delivered its deadly cargo — 3000 AK-47 assault rifles and 2.5 million rounds of ammunition packed in 14 containers ostensibly carrying plastic balls — to representatives of the AUC waiting in Turbo, Colombia. As will be discussed in more depth later, this shipment, which AUC leader Carlos Castano later boasted was part of “the greatest achievement by the AUC so far,” highlights both the potential of the OAS Convention and the Model Regulations to stop illicit transfers, and the ease with which terrorists can acquire large quantities of weapons from governments that fail to comply with the Convention.

Like many such deals, the illegal sale took place under the guise of a legitimate transfer. Flush with AK-47s left over from Nicaragua’s civil wars but lacking weapons appropriate for civilian police work, the Nicaraguan National Police (NNP) approached Ori Zoller, an Israeli arms broker operating out of Guatemala, about exchanging military assault rifles for mini-Uzi submachine guns and Jericho pistols. Zoller then contacted three potential buyers for the assault rifles, ultimately selecting Simon Yelinek, a fellow Israeli broker operating out of Panama. Yelinek claimed to be representing the Panamanian National Police (PNP), and presented a forged PNP purchase order/end-user certificate. At approximately the same time, a Mexican associate of Yelinek’s set up a shipping company in Panama and purchased the company’s only ship, the *Otterloo*. Debarking from Mexico, the *Otterloo* arrived in the Nicaraguan port of El Rama on 26 October 2001 where it was loaded with the weapons. After signing a ship manifest and a bill of lading that identified Colon, Panama as the end destination, the *Otterloo* promptly set sail for Colombia.⁸⁴



FAL Assault Rifles seized from the FARC
PHOTO: Embassy of Colombia, Washington DC

Disrupting the flow: the Convention and the Colombian Illegal Groups

The absence of good empirical data on arms transfers to the illegal groups precludes any definitive conclusions about the current or potential impact of the Convention on illicit arms transfers in Latin America, including Colombia. Nonetheless, the Convention has already resulted in meaningful changes to the laws, practices and policies of several OAS member states, including countries through which arms bound for the illegal groups have been trafficked in the past.⁸⁵

Costa Rica enacted a series of reforms to its Law of Arms and Explosives, which includes:

- stiffer penalties for violations of arms trafficking laws;
- new penalties of up to five years in prison for company heads and managers that know of, and fail to prevent, their employees from engaging in illicit arms manufacturing or trafficking; and
- an expanded list of explosives regulated under trafficking laws.

The government of Venezuela designated DARFA (the Department of Arms and Explosives of the National Armed Forces) as its national coordination and contact point for both the OAS Convention and the UN Program of Action on

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Small Arms and Light Weapons. The Guatemalan government's draft Law of Arms and Munitions (Ley de Armas y Municiones), and its efforts to reform the Law of Police Matters (Ley de Policías Particulares) were prompted, at least in part, by the OAS Firearms Convention. Guatemala is also considering creating a General Department for the Control of Arms (Dirección General de Control de Armas), and is working with the government of Mexico to increase information sharing on arms trafficking.⁸⁶

Most recently, Trinidad and Tobago introduced a new bill that stiffens penalties for firearms-related crimes and enables police to investigate such crimes more effectively.⁸⁷ Finally, the Convention has increased the flow of direct assistance to countries lacking the resources necessary to implement the Convention. Jamaica claims that, since signing the Convention, training and technical assistance from the United States has increased.⁸⁸

The OAS Convention has also prompted groups of states to take action through regional organizations. In April 1998 the States Parties of MERCOSUR⁸⁹ agreed to work on "rapid ratification of CIFTA" through the development of a joint mechanism for the registration of buyers and sellers of firearms, ammunition, explosives. As part of the registry mechanism, MERCOSUR is creating an integrated database and related archival systems of valid buyers and sellers of firearms, and officially recognized points of entry and exit for firearms transfers.⁹⁰

Despite the many positive steps taken by States Parties since the Convention entered into force in 1998, several of its key provisions have not been wide-

ly implemented, which contributes to the continued influx of weapons into Colombia. For example, Colombian law enforcement officials interviewed for this report identified a lack of cooperation from certain countries as a significant impediment to reducing illicit weapons transfers to the illegal groups.⁹¹ Similarly, an official from the Colombian Ministry of Defense asserted that “...cooperation between authorities (legal authorities, police authorities, military authorities and others) is very, very low or [does]n’t exist.”⁹²

The results of a survey on compliance with the Firearms Convention that was conducted by the OAS’ Department of Legal Cooperation and Information support these claims. As of April 2002, fewer than 50% of respondents had established a central point of contact for information exchanges (as required by Article XIV), and even fewer had designated a central authority for making and receiving requests for mutual legal assistance (Article XVII). Furthermore, only 41% of respondents indicated that their national laws provided for the exchange of information specified in Article XIII of the Convention. The percentage of respondents indicating that they had national laws requiring the record-keeping necessary to trace illicit firearms was only slightly higher (47%).⁹³ Greater compliance with these and other relevant articles of the Convention would address a key complaint of Colombian law enforcement officials and thereby help to reduce the amount of black market weapons flowing into Colombia (Article XVI).

Colombian officials also identified a need for more law enforcement training in Latin America. According to DAS officials, training in how to spot fraudulent end-user certificates, recognize the type and source of interdicted firearms, and identify links between criminal organizations would be especially valuable.⁹⁴ Article XV of the OAS Firearms Convention calls upon States Parties to “...cooperate with each other and with competent international organizations...to ensure that there is adequate training of personnel in their territories...” in skills necessary to effectively combat illicit arms trafficking and manufacturing. In those cases in which States Parties lack the capacity to impart these skills to their law enforcement personnel, other parties to the Convention are expected to provide them with necessary technical assistance.

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The OAS Compliance survey suggests that implementation of the requirements of Article XV has been spotty. Of the 17 replies to the OAS survey, only five countries indicated that they have national laws and regulations that provide for the formation of training programs for personnel responsible for preventing and controlling illicit firearms traffic. Fewer still regularly conduct seminars, courses and training programs aimed at strengthening the technical capabilities of these personnel.⁹⁵ More thorough implementation of the Convention's training requirements would help to address Colombian officials' concerns about the regional proficiency in skills needed to combat illicit weapons trafficking.

Better implementation of articles in the Convention that require effective systems of arms transfer licensing and authorization would help to curtail grey market diversions, which result in some of the largest shipments of weapons to the illegal groups.⁹⁶ The 3,000 assault rifles diverted to the AUC during the *Otterloo* incident (see p. 27-28), for example, is equivalent numerically to a third of *all* small arms and light weapons estimated to have been smuggled across the Ecuadorian border from 1999 to 2001.⁹⁷

Large, grey market diversions are precisely the types of illicit transfers that the Convention is best able to prevent. Of particular importance are Articles

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VIII, IX, X, and XIV. Article VIII requires member states to adopt the measures necessary to ensure the security of arms transfers into, from or through their territories. Article X calls for the strengthening of controls at export points. Articles XIV and IX require the designation of a national contact point for information exchange; cooperation on firearms transfer issues; and the establishment of a system for controlling the import, export and transit of firearms. When combined

with adoption of the CICAD's Model Regulations, implementation of the above-mentioned articles would make regional grey market diversions much more difficult.

The *Otterloo* case highlights the direct impact that these provisions could have on grey market diversions. After completing a thorough investigation, the OAS team responsible for looking into the case concluded that "...the Nicaraguan National Police, although perhaps adhering to national practice, violated the Convention" and "[a]dherence to the [CIFTA] Convention and

application of its provisions to national practices would have made the diversion far more difficult, if not prevented it outright.”⁹⁸ Among the most notable shortcomings on the part of Nicaraguan authorities was their failure to verify the legitimacy of the Panamanian purchase order which “alone, even if it had been legitimate, cannot serve as the sole and sufficient authority upon which Nicaraguan officials could authorize the export.”⁹⁹ Specifically, investigators found no evidence of attempts by the NNP or any other government body to contact their Panamanian counterparts, a violation of Articles IX and XIII of the Convention. As there is no evidence that the Panamanian National Police knew anything about the deal, there is reason to believe that direct communication between Nicaraguan and Panamanian authorities about the transfer would have raised red flags and prevented this particular diversion.

While Nicaragua is the only country to be publicly rebuked for failing to adhere to the requirements of Article IX, it is not alone. Only 4 of the 17 respondents to the OAS compliance survey indicated that they have laws and regulations that obligate the exporting government to make sure that authorized agencies in the recipient state took possession of the exported firearms.¹⁰⁰

Nicaragua’s initial response to the incident attests to the normative power of the Convention. Almost immediately after the OAS investigators declared that Nicaragua had failed to comply with their obligations under the Convention, Nicaraguan President Enrique Bolanos opened an investigation into the incident and set up an Inter-institutional Investigative Commission to address the recommendations in the Ambassador Busby’s report.¹⁰¹

Through the various requirements discussed above, the OAS Firearms Convention has the potential to make a real difference in the battle against arms trafficking in the Western Hemisphere. Indeed, steps already taken by several OAS members have closed gaps in regulations that are exploited by smugglers and have increased, to some extent, the regional capacity to identify, track and shut down smuggling rings. But fully realizing the potential of the Convention requires more countries to comply with its provisions. As the OAS’ most influential member, full US support for the Convention is an essential component of future initiatives to boost compliance.