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# **Securing Tyrants OR Fostering Reform?**

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

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Seth G. Jones, Olga Olikier, Peter Chalk,  
C. Christine Fair, Rollie Lal, James Dobbins

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## Summary

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

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

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

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

## **Case Study Findings**

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

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

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

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

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

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

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

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

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

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

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

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

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

## General Findings and Recommendations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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