
JOINT STAFF

Human Rights Verification for DoD-Funded Training Programs With Foreign Personnel: [The following is a reprint of Joint Staff Washington DC message 2113113Z Dec 98, subject as above.]

Ref A/Doc/USDP/12Nov98/
Ref B/Msg/CJCS/301945ZOct98/
Ref C/Doc/Joint Staff/01Nov98/
Ref D/Msg/SECSTAGE/100202ZNov98/
Ref E/Msg/SECDEF/231411ZDec97/

Reference A is amended USDP memo (supercedes previous USDP memo of 14 Oct 98) requiring human rights verification for all DoD-funded training programs.

Reference B and C are Joint Staff interim guidance on SECDEF pre-approval and human rights verification for JCETS.

Reference D is SECSTATE interim guidance directing embassies to assist DoD by providing human rights verification of DoD-funded training programs.

Reference E provided SECDEF (DSCA) guidance on screening foreign candidates for U.S.-sponsored training programs.

1. This message provides interim guidance to assist theater CINCs and services in complying with the new congressionally directed requirements concerning human rights verification for all DoD-funded training of foreign security forces.
2. The FY99 Defense Appropriations Act prohibits the use of DoD funds to support training of foreign security forces if SECDEF has received credible information from DoS that a member of the foreign unit we plan to train has committed a gross violation of human rights unless necessary corrective actions are taken. In addition, the FY99 Defense Authorization Act prohibits and 10 USC 2011 training activity (JCET) from taking place without SECDEF approval. In Ref A, USDP promulgated implementing guidance to ensure that foreign security forces whom U.S. forces intend to train are appropriately reviewed for gross violations of humanrights prior to training, and that in the case of JCETS, each training event must be approved by SECDEF prior to commencement.
3. Beginning immediately, all DoD-funded training program events with foreign units and individuals, including JCETS, must be reviewed in accordance with the aforementioned guidance (Note: use of DoD funds to train foreign security forces requires specific statutory authority; otherwise, such training should be funded through security assistance mechanisms). DoD-funded training includes, among other things, counterdrug training, humanitarian demining, and JCET deployments, as well as any training activities conducted under the CINC initiative fund and cooperative threat reduction program. Training, as used in this message, means instruction of foreign security force personnel with the specific purpose of improving the capabilities of foreign security forces. Training does not include the following:

A. Exercises, incidental training is permitted as part of an exercise, to include familiarization, safety, and interoperability training with a force when necessary to permit the conduct of the exercise.

B. Individual and collective interface activities, e.g., individual or subject matter expert exchanges, MIL-to-MIL contacts seminars and conferences, partnership, and other small unit exchanges, where the primary focus is interoperability or mutually beneficial exchanges and not training of foreign security forces.

C. Bona fide familiarization and orientation visits.

4. The JCET authorization document (JAD) process was promulgated separately in Refs B and C due to immediate SOF training requirements. Clarifications necessary to reconcile JAD process with requirements herein will be issued a separate correspondence. Additionally, foreign candidates for U.S.-sponsored training programs, to include IMET and FMS-purchased training at DoD educational institutions, already receive human rights screening under process outlined in Ref E. U.S.-sponsored training programs utilizing Ref E screening process are beyond the scope of this msg.

5. Implementation

A. DoD/CJCS instructions incorporating Ref A guidance and promulgating procedures for ensuring human rights verification for DoD-funded training are being drafted. Until promulgation of such guidance, all DoD-funded training events described in Paragraph 3 above must be reviewed in accordance with the following guidance:

(1) Theater CINCs will contact the embassy in each country where a DoD-funded training event is scheduled and obtain, via embassy message or other written document signed by a DoS civilian, verification that DoS possesses no credible information of gross violations of human rights relative to the host-nation units or their members who DoD intends to train. Should the country in which the training is planned not have a resident U.S. embassy, the CINC will contact the existing in-country or responsible area DoS representative who approved the event during the initial planning phase. For purposes of this message, "Foreign Security Forces" means foreign military, police, or other security forces. Per Ref C, "Gross Violations of Human Rights" includes torture or cruel, inhuman, or degrading treatment or punishment; prolonged detention without charges and trial; causing disappearance of persons by the abduction and clandestine detention of those persons; and other flagrant denial of the right to life, liberty, or the security of a person or persons.

(2) For a training event not requiring issuance of a SECDEF deployment order, if DoS human rights review reveals DoS possesses no credible information of gross violations of human rights by the foreign unit or its members, the training event may be conducted.

(3) For a training event requiring a SECDEF deployment order, e.g., counterdrug, PSYOP, civil affairs, and humanitarian demining, confirmation, via embassy message or other written document signed by a state department civilian, of human rights review is required before a deployment order will be issued.

(4) For an event previously requested or approved but not executed, submit confirmation of human rights review by general service message to the Joint Staff, J-3, with embassy verification that DoS possesses no credible information of gross violations of human rights by the host nation unit or members DoD intends to train. Due to time constraints for deployment orders training events previously requested/approved but not yet executed, obtaining name/date of embassy human rights verification official (civilian DoS employee) is sufficient—embassy message or other written document is not required.

(5) For future training events requiring deployment orders, all requests for deployment orders will include the following statement: (quote) per U.S. embassy (country)

message (DTG) (or other written document), Department of State possesses no credible information of gross violations of human rights by the security forces or their members U.S. forces plan to train on this deployment (end quote). This information will be included in the joint staff requests for a SECDEF deployment orders supporting the training event.

B. For each training event described above, if, during the verification process DoS discovers that credible information of gross violations of human rights exists with respect to certain unit(s) or individual(s) whom DoD plans to train, theater CINCs/country teams may attempt necessary corrective action through adjustments of the planned activity and/or adjustments to foreign participants. For non-JCET training events, if such adjustments (e.g., altering training event(s) or dropping human rights violators from planned training) can be accomplished with the foreign nation, and if ambassador/country team approves the adjusted training events, the training may be conducted. For JCETS, a brief summary of the derogatory human rights information, adjustments worked out with foreign nation, plus ambassador/country team concurrence in adjusted training will be noted in the remarks section of JCET authorization document (JAD) matrix submitted for SECDEF pre-approval per Ref C. Within 15 days after completion of adjusted non-JCET training, theater CINC will submit a report, via general service message, to Joint Staff J-3/J-5, info USDP, that will include relevant human rights information from DoS, an explanation of adjustments made to planned activity and/or foreign participants, and any other corrective actions taken by the foreign nation that impact on the human rights situation (e.g., corrective actions could consist of host-nation action to ensure human rights violators face appropriate disciplinary action/impartial prosecution in accordance with local law. Ambassador must concur that such host nation actions are sufficient to correct identified human rights concerns(s)).

C. For each training event described above, if during the DoS human rights verification process, it is discovered that credible information of gross violations of human rights exists (where adjustments and/or corrective actions cannot be accomplished), and the theater CINC/service still desires to conduct the training event, a SECDEF waiver is required. In such cases, theater CINC will submit following info to the joint staff (J-3/J-5) via general service message (in the case of a request for a deployment order, include only (6)):

- (1) Name, date, and location of training.
- (2) U.S. unit(s) providing training.
- (3) Unit(s) receiving training.
- (4) Description of training and objectives.
- (5) U.S. embassy contact/position.

(6) Nature of the gross violation of human rights, the embassy position on execution of this training in light of the existence of the gross violation of human rights, and an explanation of the extraordinary circumstances that justify conducting the training despite gross human rights violations of foreign unit(s) or individual(s).

D.. If credible evidence of gross human rights violations is found to exist (where adjustments and/or corrective actions cannot be accomplished), and CINC elects not to pursue a SECDEF waiver (e.g., cancels proposed training event), theater CINC will submit following information via general service message, within 15 days of training cancellation, to joint staff J-3/J-5 info to USDP:

- (1) Name, date, and location of training.

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- (2) U.S. unit(s) to have provided training.
 - (3) Unit(s) to have received training.
 - (4) Description of training and objectives.
 - (5) U.S. embassy contact/position.

- (6) Nature of gross violation of human rights, embassy position on execution of this training in light of existence of gross human rights violations, CINC proposed adjustments, and reason(s) foreign nation could/would not accommodate adjustments or otherwise initiate corrective actions.

6. Foregoing requirements for human rights review of DoD funded training are a high interest item for Congress. Accordingly, it is imperative that theater CINCs maintain detailed records of all DoD-funded training that undergoes human rights verification to compliance with FY99 defense appropriations act requirements. DoD senior leadership may request training records to support future congressional testimony. Such records must include:

- A. Name, date, and location of training.
- B. U.S. unit(s) providing training.
- C. Unit(s) receiving training.
- D. Description of training and objectives.
- E. U.S. embassy message verifying DoS possesses no credible information of gross human rights violations by intended foreign participants (or providing credible evidence of gross violations of human rights).
- F. Any adjustments to activities/participants to achieve human rights compliance, along with subsequent reports to joint staff regarding adjustments/corrective action taken.
- G. SECDEF waiver requests/results.
- H. Reports to Joint Staff regarding decision not to pursue SECDEF waiver where CINC/service proposed training adjustments are not accommodated by foreign nation(s).

7. The Joint Staff recognizes that many terms in the new legislation are not yet fully defined. As DoD implements this congressionally mandated human rights review of DoD-funded training programs, close cooperation between theater CINCs and ambassadors/country teams is essential. DoS has directed embassies (Ref D) to help ensure DoD complies with these requirements. State Department/embassy assistance should include determination of whether human rights information is "credible", documentation/verification of information concerning human rights violations, and determination of whether CINC/country team proposed adjustments or other corrective actions are appropriate. If embassies fail to respond to CINCs requests for required human rights information, training cannot proceed; therefore, if training is placed at risk due to lack of response within a reasonable period, CINCs should not hesitate to request Joint Staff assistance in obtaining DoS cooperation. Theater CINCs should also ensure that SECSTATE is an info addressee on all requests to embassies for human rights review of proposed DoD-funded training in order to help facilitate necessary information sharing between SECSTATE and local country teams.

8. If, during implementation of this interim guidance, questions arise concerning whether specific DoD-funded training programs/events require human rights verification, Joint Staff (J-3/J-5) should be contacted. Point of contact for JCETS is Major Bowers, J-3 SOD, at DSN 225-8102. Policy point of contact is CDR Donovan, J-5 global, at DSN 224-1496.