

**Report to the House Committee on Appropriations on the  
Western Hemisphere Institute for Security Cooperation**

1. Introduction

The Western Hemisphere Institute for Security Cooperation (WHINSEC) opened in January 2001, replacing the former School of the Americas (SOA). Some concerns have been raised regarding how effectively WHINSEC is promoting human rights and democracy principles with foreign security forces' students who attend the Institute. The House Committee on Appropriations report on the FY 2008 Department of State, Foreign Operations and Related Programs Appropriations bill (H. Rep. 110-197) requested the Department of State submit a report addressing how WHINSEC contributes to the promotion of human rights, respect for civilian authority and rule of law, the establishment of legitimate judicial mechanisms for the military, and achieving the goal of right-sizing military forces. The following report not only includes information on WHINSEC's efforts to promote democracy and human rights principles to its students, but it also demonstrates the value institutions like WHINSEC have in advancing these key U.S. values.

2. Background

WHINSEC was established by the Floyd D. Spence National Defense Authorization Act for FY 2001 and opened for training on January 17, 2001. It is a Department of Defense Institute with the Secretary of the Army as its Executive Agent. The mission of WHINSEC is to provide professional education and training to military personnel, law enforcement officials, and civilians in support of the democratic principles set forth in the Charter of the Organization of American States (OAS), while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations, and promoting democratic values, respect for human rights, and knowledge and understanding of U.S. customs and traditions. The Floyd D. Spence National Defense Authorization Act directs that WHINSEC's curriculum "include mandatory instruction for each student, for at least eight hours, on human rights, the rule of law, due process, civilian control of the military, and the role of the military in a democratic society." In April 2007,

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U.S. Army's Training and Doctrine Command (TRADOC) again approved WHINSEC's program of instruction. Overall, WHINSEC courses earned a "Full Accreditation" rating. The accreditation rating remains in effect for a period of three years or until reevaluated.

Additionally, WHINSEC has a Board of Visitors (BoV). The BoV is a Federal Advisory Committee charged with advising the Secretary of Defense on the Institute's curriculum, instruction, physical plant, fiscal affairs, and academic methods. The Board conducts an annual review of the Institute's operations and activities to determine whether it complies with applicable U.S. laws and regulations, is consistent with U.S. policy goals towards Latin America and the Caribbean, adheres to current U.S. doctrine, and provides instruction under the curriculum that appropriately emphasizes the rule of law, due process, civilian control of the military, and the role of the military in a democratic society. The Board also ensures that the Institute's curriculum is relevant and meets congressional requirements. The most recent Board meeting was held at WHINSEC on November 2, 2007, and the next meeting will take place on Capitol Hill in early May 2008. The BoV provides the Institute with valuable feedback and offers recommendations on how to meet the challenges of the coming year more effectively. The Board meetings are announced in the Federal Register and are open to the public.

The BoV comprises 13 members (or their designees), including the following: Chairman and Ranking Member of the Senate and House Armed Services Committees; Secretary of State; Commander, USSOUTHCOM; Commanding General, TRADOC; and six members designated by the Secretary of Defense. The six members designated by the Secretary of Defense include, to the extent practicable, people from academia and the religious and human rights communities. In addition to the thirteen board members, advisors and subject matter experts assist the BoV in areas the Board deems necessary and appropriate.

The Institute faculty and staff comprise 215 military, law enforcement, and civilian personnel. WHINSEC offers 24 different courses and graduates on average over 1,000 students annually. These students comprise military officers, noncommissioned officers, law enforcement officials, and civilians from 22 countries. WHINSEC serves as a venue where these students are exposed to the

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positive influences of democratic and human rights principles through high quality education and training. Were it not for WHINSEC and its emphasis on democracy and human rights education, these students would not otherwise receive this type of positive influence.

Democratic and human rights principles are integrated into all education and training programs – whether they are resident or non-resident courses.

WHINSEC's Democracy and Human Rights Program is the responsibility of its Human Rights and International Law Division and the Democracy Division.

WHINSEC is the only military educational institution in the United States that has personnel dedicated solely to teaching democratic and human rights principles.

3. Democracy and Human Rights Program

WHINSEC's Democracy and Human Rights Program is innovative and multifaceted. This type of comprehensive democracy and human rights program is not available in any other military institution within the United States, and it is unparalleled in any other military institution within this Hemisphere. Other military schools conduct humanitarian law training, and a few schools have a class on human rights (most just include human rights as a module of a course).

WHINSEC students have consistently reported, with their end-of-course evaluations, that WHINSEC's training on democracy and human rights is more extensive, more comprehensive, and more practical than any other they previously received (to include similar programs offered by the International Institute of Humanitarian Law in Sanremo, Italy). Furthermore, the Costa Rican Defense Minister, Fernando Berrocal, after his visit to WHINSEC, stated to the newspaper Diario Extra that he was impressed with the institute's human rights curriculum and the high level of academic preparation possessed by WHINSEC instructors.

The purpose of WHINSEC's Democracy and Human Rights Program is to reinforce a respect for democracy and human rights as values at both the personal and professional levels. The primary topics covered extensively in this program are those identified in the Floyd D. Spence National Defense Authorization Act of FY 2001 – i.e., human rights, the rule of law, due process, civilian control of the military, and the role of the military in a democratic society. However, education on personal and professional ethics, accountability, transparency, anti-corruption,

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establishment of legitimate judicial mechanisms for the military, and the goal of right-sizing military forces is also emphasized.

The Program consists of several integrated parts: Democracy and Human Rights Class, Democracy and Human Rights Week and the Command and General Officer Staff Course (CGSOC)/Intermediate Level Education (ILE) Electives, Human Rights Instructor Course and the Engagement Skills Training (EST) Facility, Human Rights NGO Roundtables, and the Field Studies Program. In addition to these core elements, other courses and features of the Democracy and Human Rights Program help make it well-rounded training. These other aspects include Civil-Military Operations Course, Ethics and Anti-Corruption Classes, Human Rights Subject Matter Expert Exchanges, the Simón Bolívar Human Rights and Democracy Lecture Series, WHINSEC's Annual Open House, and Course Augmentation of Democratic and Human Rights Principles.

A. Democracy and Human Rights Class. The purpose of this block of instruction is to develop a student's appreciation for democratic values and human rights. It emphasizes the importance and relevance of democracy and human rights principles and norms in military and police operations. The democracy part of this class titled, "*Armed Forces in a Democracy: The United States Experience*," is a three-hour class. Its purpose is to explain why a democratic civilian government should and can exercise control over the armed forces and the proper role of the military in a democratic society. This class emphasizes that civilian laws apply not only to civilians, but also to all members of the armed forces and police, and that they must abide by civilian laws or be prosecuted under them. It uses the United States experience as a model. This module is, and has traditionally been, taught by the U.S. Department of State Chair, a mid-level Foreign Service officer who is an instructor on the Institute's faculty and advisor to the Director of the Department of Civil-Military Studies.

The human rights class is titled simply, "*Human Rights*." It covers universal human rights, due process rights, the causes of human rights abuses and how they can be prevented, the lawful use of lethal and non-lethal force in military and police operations, the proper treatment of all persons encountered during military and police operations, lawful and unlawful orders, and the rule of law and legitimate judicial mechanisms for the military. Its duration is a minimum of eight

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hours, and it has traditionally been taught by a Judge Advocate officer (with the rank of major). Currently, it is being taught by two civilian law professors.

The Democracy and Human Rights class is required for every student entering the Institute. It is taught at the beginning of every course so as to make clear to the students its importance to military and police operations. Students must apply the lessons learned during this class during the remaining parts of the course. Every WHINSEC student must not only attend this class, but also pass a written examination which is a non-waivable requirement for graduation. To obtain a passing grade a student must score at least 70 percent on the exam. Students who fail the exam are provided with remedial instruction and retested. Those students who fail a second time are removed from the course and sent home.

Although the legislation requires a minimum of eight hours of democracy and human rights instruction, the Institute provides at least eleven hours during every course. The exact number of hours varies with the complexity and duration of each course. For example, the 51-week Command and General Staff Officer Course (CGSOC)/Intermediate Level Education Course (ILE), a course designed for mid-level career officers (Majors and Lieutenant Colonels) – the longest course offered at WHINSEC – provides a minimum of 50 hours; whereas the 18-week Captains Career Course provides a minimum of 24 hours of democracy and human rights instruction.

**B. Democracy and Human Rights Week and the Command and General Staff Officer Course (CGSOC)/Intermediate Level Education (ILE) Electives.**

Democracy and Human Rights Week is the first event on the Institute's CGSOC/ILE curriculum calendar. This important educational event is held annually with CGSOC/ILE, which has the highest ranking officers. This week-long training emphasizes the importance of democratic values and human rights in military and law enforcement operations, which are applied throughout the course. Instruction consists of classes, lectures, case studies, and panels on professional ethics, humanitarian law, human rights and democratic decision-making. For the past several years, the International Committee of the Red Cross (ICRC), and representatives from human rights NGOs have participated in the training. To provide just a few examples, in July 2007, a delegate from the ICRC

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presented classes on international humanitarian law; Ms. Elisa Massimino, the Washington Director of Human Rights First, lectured on the prohibition on the use of torture under international human rights law; and Professor Steven Schneebaum, an adjunct law professor and a noted human rights attorney in Washington, D.C., lectured on international human rights law. The week-long training event culminated with a Field Studies Program trip to the Andersonville National Historic Site (a Confederate States of America prisoner of war camp for Union soldiers) to discuss proper treatment of detained personnel.

Additionally, the democratic and human rights principles imparted to CGSOC/ILE students during Democracy and Human Rights Week are reinforced through electives. In 2007, WHINSEC offered a three-week elective to approximately 15 ILE students on *"The Lawful Use of Lethal and Non-Lethal Force under International Human Rights Law."* This elective built on and detailed the lessons imparted during Democracy and Human Rights Week. Also, some 15 ILE students enrolled in a two-week elective called *"Latin American Strategic Studies: Regional Threat Analysis: Contemporary Challenges,"* that examined the history of U.S. policies toward the region and contemporary opportunities, challenges, and threats from the U.S. viewpoint with regard to democratic governance, security, and economic and social development, illustrated by specific countries and issues such as indigenous rights and immigration.

About 20 students selected a related two-week elective titled *"Latin American Strategic Studies: Regional Threat Analysis: Enduring Themes"* which covered major themes in the formulation of national strategy from a Latin American perspective, including interests shared with the United States in policies designed to consolidate democracy, protect the democratic state, promote prosperity, and invest in people. Another six ILE students took an elective called *"Promotion of Prosperity and Economic Freedom in Developing Countries."* This elective dealt with government policies that have succeeded in promoting free markets, broadly based economic growth, reduction of poverty, and social justice in nascent democracies.

C. The Human Rights Instructor Course and the Engagement Skills Training (EST) Facility. The Human Rights Instructor Course is a three-week course that trains students to become, as its name implies, human rights instructors. These

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students teach democratic and human rights principles once they return to their organizations. It incorporates practical exercises and case studies for an in-depth understanding of the requirements that international human rights law and international humanitarian law place on military and police operations. It also teaches techniques for effective instruction and integration of the rule of law into military and security forces training. There were six iterations of this course in FY 2007, with over 100 graduating students. The vast majority of these students were from Colombia because of their need to learn and apply democratic principles, as well as the requirements of human rights and humanitarian law, to their internal armed conflict.

This course incorporates the Engagement Skills Trainer (EST). The EST is an indoor light weapons range that does not require live ammunition but rather uses weapons calibrated to a computer for simulated firing. It allows incorporation of situational awareness exercises (real-life scenarios) that are projected onto a movie-theater sized screen. Inside the EST Facility, students must apply previous classroom instruction on the lawful use of lethal and non-lethal force and make split-second "shoot/don't shoot" decisions. They must distinguish between innocent bystanders and legitimate targets, and their decisions on the use of force must conform to international human rights law. Students fire their weapons at the various scenarios being projected on the screen, while the computer records the results. The results are evaluated by human rights instructors, and students are counseled on their performance. The EST has greatly enhanced the Human Rights Instructor Course because students can apply in practice their classroom instruction, thereby better internalizing the classroom lessons on democratic and human rights principles and the limits on the use of lethal and non-lethal force.

D. Human Rights NGO Roundtables. The purpose of WHINSEC's Human Rights NGO Roundtables is to teach students the purpose and role of human rights NGOs in furthering democracy and international peace and stability. They also demonstrate the value of freedom of speech and assembly and the rule of law in a democracy and to international peace and stability. Students attending the Command and General Staff Officer Course (CGSOC)/Intermediate Level Education (ILE) and the Captains Career Course interact with representatives of prominent Human Rights NGOs, the International Committee of the Red Cross

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(ICRC), and the Inter-American Commission on Human Rights (IACHR), as well as human rights law professors. The dialogue that occurs at these roundtables not only teaches students the role of the represented organizations and institutions in promoting democracy and international peace and stability, but it also teaches them to value the rule of law, freedom of speech and assembly, and how democracies and democratic institutions thrive from the practice of these fundamental rights.

WHINSEC has hosted two Human Rights NGO roundtables per year for the past three years for the educational benefit of students attending the CGSOC/ILE and Captains Career Course. Students travel to Washington, D.C. and meet with human rights NGOs representatives. The students of both courses receive a class or briefing on human rights NGOs, an advance sheet describing in detail the learning objectives, and a reading assignment, prior to attending the event.

The Human Rights NGO Roundtables have included the active participation of the following human rights NGOs: Amnesty International (AI), Human Rights Watch, Human Rights First, the Center for International Policy (CIP), the Center for Justice and International Law (CEJIL), Washington Office on Latin America (WOLA), Open Society Institute, Refugees International, U.S. Office on Colombia, and School of the Americas/SOA Watch. The ICRC, the IACHR, and American University's Washington College of Law have also sent representatives to participate. The educational value of inviting representatives from the School of the Americas/SOA Watch, an organization dedicated to closing WHINSEC, is to emphasize to students that transparency and an understanding of different points of view are fundamental aspects of a democracy.

B. The Field Studies Program. The purpose of this Department of Defense-directed program is to help students develop an appreciation for the positive effects that respect for democracy and human rights can have on a society. The democratic and human rights principles covered include appreciation for individual freedoms, accountability of all government officials and employees, transparency of government institutions, decentralization of local governments, and proper management of public resources that incorporates anti-corruption measures. Students learn about democracy in action through educational visits, information

briefings, and guest speaker presentations. These educational visits expose students to U.S. democratic institutions in action, the basis of U.S. democracy, and U.S. democratic customs and traditions.

WHINSEC students make day trips to the nearby cities of Columbus and/or Atlanta to study components of local and state governments, departments of public safety, and the interfaces among local, state and federal governments. Students also visit CNN headquarters in Atlanta to learn the positive impact that a free press has on a democratic society. Students in the two longest courses, ILE and the Captains Career Course, also travel to Washington, D.C. for a week. U.S. instructors accompany the students, actively teaching and keeping them focused on the learning objectives of the program.

4. Additional Courses and Features of the Democracy and Human Rights Program

A. Ethics and Anti-Corruption Classes. The Democracy and Human Rights Class is augmented with a two-hour block of instruction on ethical decision-making (henceforth referred to as "Ethics Class") and a two-hour block of instruction on anti-corruption. The Ethics Class, taught by the WHINSEC Chaplain, who is a Doctor of Divinity, focuses on making correct ethical and lawful decisions during times of high combat and other stressful situations. The Ethics Class furthers the purpose of the Democracy and Human Rights Class in inculcating democratic and human rights principles in the students as both personal and professional values by demonstrating how to apply those principles during times of stress.

The purpose of the anti-corruption class is to teach good leadership techniques in preventing corruption within the armed forces and law enforcement organizations. Students are taught to become better stewards of governments' limited resources, such as funding and equipment, and are shown methods and processes that can prevent corruption within their organizations. The class covers the causes of corruption and the impact it has on democracies and human rights; it also provides students with the U.S. perspective on anti-corruption methods as an example or framework for them to use. This class is taught by a civilian instructor with a Master of Science in Administration.

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**B. Human Rights Subject Matter Expert Exchanges.** The purpose of this part of the WHINSEC's Democracy and Human Rights Program is to share knowledge and experience in teaching democracy and human rights with its sister institutions (listed below), thereby promoting democracy and human rights to their students as well. Because of its expertise in these fields of law, WHINSEC was invited to and participated several times in democracy and human rights training events at both the Naval Small Craft Instruction and Technical Training School (NAVSCIATTS), located at the Stennis Space Center, Mississippi, and at the Inter-American Air Forces Academy (IAAFA) at Lackland Air Force Base, Texas. Additionally, WHINSEC has been asked by the Defense Institute of International Legal Studies (DIILS) to assist with its democracy and human rights training.

**C. Simon Bolivar Human Rights and Democracy Lecture Series.** This special guest lecturer initiative recognizes individuals who have made significant contributions to the advancement of democracy and human rights in the Hemisphere. Lecturers are selected based on recommendations from American Embassy human rights officers in the region and more than 50 NGOs active in the human rights field. In 2007, Dr. Claudio Grossman, Dean of American University's Washington College of Law, was honored for the work he did as Vice Chairman of the United Nations Committee against Torture, and as a member, and later President, of the Inter-American Commission on Human Rights (IACHR). In 2006, Dr. Santiago Canton, Executive Director of the Inter-American Commission on Human Rights of the Organization of American States (OAS), was selected based upon his work for human rights and liberty throughout the Western Hemisphere.

Other former lecturers include Dr. Jorge Santistevan de Noriega for his lifetime devotion to the defense of civil liberties, support for democratic causes, and conflict resolution in Peru; Dr. Aura Celeste Fernández Rodríguez, a human rights attorney in the Dominican Republic, for her promotion of human rights; Dr. José Adán Guerra Pastora, then Nicaraguan Minister of Defense, for his successful integration of the military under civilian control; and Dr. Luigi Einaudi, Acting Secretary General of the OAS, for his lifetime efforts for peace, harmony, and liberty throughout the hemisphere.

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D. WHINSEC's Annual Open House. The Institute values its transparency and remains open to the public throughout the year. In November 2007, as in previous years, WHINSEC held an annual Open House. During these events, WHINSEC hosts hundreds of visitors and many different organizations. The Open House demonstrates to students the obligation of every government institution to be transparent in the performance of its duties, responsive to official requests and public concerns, and accountable not only to other democratic institutions, but to the public as well.

E. Course Augmentation of Democratic and Human Rights Principles. The democratic and human rights principles taught in the Democracy and Human Rights Class, and reiterated in the other parts of the Democracy and Human Rights Program, are augmented by WHINSEC's courses. For the purpose of this report, the following courses will be used as examples: Civil-Military Operations Course, Counter-Drug Operations Course, Defense Resource Management Course, Medical Assistance Course, and Peace Operations Course.

Civil-Military Operations Course. The purpose of this seven-week course is to provide students with fundamental knowledge and training on planning and conducting civil-military operations, and on planning and executing disaster-relief operations during peacetime and times of crisis. This course expands two of the lessons covered in the "*Armed Forces in a Democracy: The United States Experience*," namely, why a democratic civilian government should and can exercise control over the armed forces, and the proper role of the military in democratic society.

Counter-Drug Operations Course. The purpose of this 12-week course is to provide students with specialized training in planning, leading, and executing counter-drug operations. This course focuses on how to apply military techniques and tactics in counter-drug operations and provides instruction to military personnel on how to carry out operations other than war in a peacetime counter-drug operational environment. The instruction reiterates the democratic and human rights principles of lawful use of force (lethal and non-lethal), due process of law, and proper treatment of all detainees. Furthermore, students apply these principles during simulated real-life scenarios enacted in a training area containing the drug laboratory simulator (DLS). DLS is a mock cocaine processing laboratory

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used to facilitate the hands-on field training of WHINSEC students as well as other Fort Benning units and civilian agencies. Approximately 450 students per year use the mock drug lab in their training.

**Defense Resource Management Course.** The purpose of this course is to teach better decision-making skills and processes when managing defense resources. It covers budget planning and execution through appropriation laws and regulations, and their enforcement; management controls; and the proper use of defense resources. These concepts are the key factors in providing students with the tools they need to provide advice and counsel to their senior leadership in the right-sizing of their defense establishments. Though these concepts are taught in other courses, such as CGSOC/ILE, this course provides the most extensive program in the school. Through this course, students also learn better governance and the importance of the rule of law. The course director and principal instructor has a Master of Science in Administration. The course also employs experts in resource management from local higher education institutions. This course augments the lessons taught in the Democracy and Human Rights Class, the Ethics Class, and the Anti-Corruption Class.

**Medical Assistance Course.** The purpose of this six-week course is to train students to perform lifesaving measures and apply advanced field medical care to all persons in need of it during military and police operations. This course furthers the lesson taught in the "Human Rights" instruction block on the proper treatment of all persons encountered during military and police operations, and emphasizes that medical attention must be provided to all persons in need of it without any form of discrimination (i.e., social status, criminal background, political affiliations, etc.).

**Peace Operations Course.** The purpose of this seven-week course is to train students in current U.S. and UN doctrine on peace operation tactics, techniques and procedures. This course expands the role of civilian control on military operations and the varying roles human rights NGOs perform in supporting peace operations. This course augments the democratic and human rights principles taught in the Democracy and Human Rights Class. The U.S. Army Training and Doctrine Command recognized that WHINSEC is the depository of subject-matter expertise

in peace operations, and designated WHINSEC as the proponent school in peace operations.

5. Conclusion

WHINSEC has human rights education and training as one of its highest priorities. Though faced with challenges and criticisms in the wake of SOA, WHINSEC maintains a high level of transparency and commitment to educating students on the importance of human rights and democracy. Every student entering WHINSEC will receive human rights education beyond what is required in Congressional legislation, and no student will graduate without passing a written examination on material offered in human rights courses.

WHINSEC continues to make every effort to promote and foster human rights and democracy in the Western Hemisphere. It provides a model for nurturing defense and security cooperation and is a leader in U.S. efforts to encourage respect for human rights in foreign security institutions.

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