

(All emphasis added)

## CONCLUSIONS

537. (U//FOUO) On 20 April 2001, a small floatplane owned by the Association of Baptists for World Evangelism was transporting an American family of four from Brazil to their home base of operations in Iquitos, Peru. The plane, following the Amazon River in its westward journey in daylight, was tracked by a CIA aircraft as a suspected narcotrafficker and was fired on by the Peruvian Air Force. The mother and infant were killed; the American pilot was seriously wounded. **Within hours, CIA officers began to characterize the shutdown as a one-time mistake in an otherwise well-run program. In fact, this was not the case.**

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541. (U//FOUO) The routine disregard of the required intercept procedures in the ABDP led to the rapid shooting down of target aircraft without adequate safeguards to protect against the loss of innocent life. Key Peruvian and American participants in the program told OIG that, in many cases, performing the required procedures would have taken time and might have resulted in the escape of the target aircraft. In addition, because the required procedures to establish contact with a target aircraft were difficult to conduct, it was easier to shoot the aircraft down than to force it down. **The result was that, in many cases, suspect aircraft were shot down within two to three minutes of being sighted by the Peruvian fighter – without being properly identified, without being given the required warnings to land, and without being given time to respond to such warnings as were given to land.**

542. (U//FOUO) **Unauthorized modifications to the Presidentially-mandated intercept procedures were implemented from the resumption of the program in 1995.** Agency officers and the US and Peruvian pilots all explained that there were practical limitations to conducting all the intercept procedures. Peruvian pilots were interviewed, for example, and none said he had ever conducted visual signals to warn a target aircraft that it had been intercepted. This resulted in a *de facto* modification of the intercept procedures from the start of the program in which visual signaling was discretionary. In fact, visual signals were not even conducted in the [number redacted] shutdowns that occurred in daylight. **No one involved in making this change had the authority to do so.**

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552. (U//FOUO) **CIA did not fulfill its legal obligation to keep Congress and the NSC fully informed of significant activities concerning the ABDP. Between 1995 and 2001, the Agency incorrectly reported that the program complied with the laws and policies governing it. In the aftermath of the missionary shutdown, CIA conducted several internal examinations into the circumstances of the shutdown and the broader conduct of the ABDP that documented sustained and significant violations of required intercept procedures dating back to the first shutdown. Yet the Agency denied Congress, the NSC, and the Department of Justice access to these findings.** Seeking to avoid both criminal charges against Agency officers and civil liability, OGC advised Agency managers to avoid written products lest they be subject to legal scrutiny.

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565. (U//FOUO) **Senior Agency managers withheld information from the NSC, failing to respond to direct questions about the conduct of the program from National Security Adviser Condoleezza Rice.** On several occasions, Rice asked who had given approval for CIA to “change the procedures” that were clearly required in the program. OIG found no evidence that any Agency officer ever responded to her request for information, despite the fact that certain senior Agency managers were aware of the Agency’s own findings that the ABDP had not fully complied with Presidential requirements.