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OPINION | THE AMERICAS

A Cynical Trade With Colombia

The U.S. offers up an innocent man in the hope drug kingpins will be turned over.

By Mary Anastasia O'Grady

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Colombian President Ivan Duque speaks in Bogota, Colombia, Oct. 10. PHOTO: LEONARDO MUNOZ/EPA-EFE/REX/SHUTTERSTOCK

The Justice and State Departments' zealous attempts since 2016 to extradite former Colombian agriculture minister Andrés Felipe Arias—despite overwhelming evidence that he committed no crime—seem mysterious. Add that the U.S. has no extradition treaty with the South American cocaine producer, which has a history of refusing to send drug kingpins north to face justice, and the riddle becomes an enigma.

Even the left-leaning United Nations Human Rights Committee ruled last week that the 45-year-old center-right Colombian politician has been denied fundamental liberties recognized in international law. So what gives?

To clear things up, let's first stop pretending this is about the rule of law. This is politics.

In demanding the extradition, the weak center-right Colombian President Iván Duque is following the orders of the notoriously politicized Colombian Supreme Court. It convicted Mr. Arias on trumped-up charges in 2014 to knock off a popular politician it viewed as an adversary. Now it's determined to see him locked up.

Since the high court authorizes extraditions to the U.S., it is blackmailing the Trump administration: If Justice, State and the Drug Enforcement Administration expect Colombian narcotics to be extradited in the future, the price is Mr. Arias on a platter. That's the trade.

This disgraceful bargain could be a new low even for U.S. government cynics. It's also an embarrassment for President Trump, who likes to say that no one pushes him around.

In 2009 Mr. Arias, a UCLA-trained economist and ally of former president Álvaro Uribe, was the favorite to win the 2010 presidential election. That's when unsubstantiated allegations arose in the Colombian media that he had misappropriated funds in the agriculture ministry.

In sworn testimony in U.S. court in 2017, Mr. Arias said he was "scared" when the government of Juan Manuel Santos came after him. With the help of the U.S. embassy in Bogotá, which shared his concerns, Mr. Arias fled to Miami in 2014 and then applied for asylum. Two days after he left the country, the Colombian Supreme Court pronounced him guilty of embezzlement, though with no evidence that he benefited from any crime.

Colombia has signed and ratified the U.N.'s International Covenant on Civil and Political Rights. Last week the 18-member Human Rights Committee in Geneva ruled unanimously that, in the case of Mr. Arias, Colombia has failed to uphold its obligations under the covenant.

The committee said the Colombian high court's refusal to grant Mr. Arias an appeal violates international law. It also said Colombia violated Mr. Arias's rights by permanently prohibiting him from holding public office. The committee noted that Colombia has made a commitment to comply with committee findings and it called on Bogotá to rectify the injustice within 180 days.

Numerous reviews of the case, aired here and in other places, including in a paper published in August by Mr. Arias's international lawyer Jared Genser, find glaring irregularities in the conviction.

A long, dark shadow of suspicion hangs over the Supreme Court that convicted Mr. Arias in 2014 by a vote of 7-1. One justice recused himself. Five of the seven assenting justices carry baggage that strains their credibility.

The president of the court at the time of the trial, Leonidas Bustos, along with Justice Gustavo Malo, are currently under investigation by Colombia's congress for allegations of bribery. The probe is looking into a huge judicial corruption scandal known as the "cartel of the robe," which originated with a DEA wire investigation in Miami. Both maintain their innocence. Mr. Malo was suspended from the court; Mr. Bustos's term has ended.

Justice María Del Rosario González claimed she had been a political target of Mr. Uribe and therefore couldn't be impartial. She asked to recuse herself but her request was denied. Justice José Luis Barceló, also a political adversary of Mr. Uribe, is known for his partisanship from the bench. Justice Patricia Salazar Cuéllar wasn't even on the court when the Arias trial ended in February 2014. Nevertheless, she signed the court's sentence against him.

Justice Department lawyer Robert Emery argued in federal court in Miami in September 2017 that "based on the principles of international comity" Mr. Arias needs to be sent back to Colombia out of "respect" for the Colombian Supreme Court. Knowing even a little of what the DEA must know about the court that convicted Mr. Arias, that's laughable. It's doubtful even Mr. Emery believes it.

The case is now before a federal appeals court in Atlanta. Mr. Duque could send instructions to the court clarifying there is no extradition treaty. But on Friday he cowardly offered that it is up to the U.S. to deny the extradition his own government is requesting. With Justice morally rudderless in the case, that leaves Mr. Arias relying on the wisdom of the court.

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