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The Ignoble Act of a Nobel Laureate

Colombia's Santos favors amnesty for guerrillas but not a political opponent.

By Jared Genser

This week in Bogota, Colombian President Juan Manuel Santos is hosting the World Summit of Nobel Peace Prize Laureates. Mr. Santos was awarded the 2016 Prize for negotiating an end to the 50-year conflict with the left-wing rebel movement Revolutionary Armed Forces of Colombia (FARC), which claimed an estimated 200,000 lives and displaced roughly 5 million people.

Yet while Mr. Santos was celebrated in Norway and by President Obama, his own people rejected the deal in a popular referendum, requiring him instead to push an amended deal through its Congress. A major sticking point was the requirement that some 2,000 rebels held in jail for the commission of atrocities be granted amnesty. It remains to be seen how President Trump will view Mr. Santos, particularly in light of his steadfast refusal to extradite FARC guerrillas to the United States for their role in major drug trafficking.

But it is indisputable that the U.S.-Colombia relationship is critically important. The United States has invested more than \$10 billion in building Colombia's security in the last 15 years. And Colombia is Latin America's third-largest economy and has more than \$24 billion in bilateral trade with the United States.

As a human rights lawyer who has represented four Nobel Peace Prize Laureates, I find it especially remarkable that the international community has totally ignored Mr. Santos' domestic record, which has included persecuting opposition politicians who opposed an amnesty deal with the FARC.

Numerous members of the Centro Democrático party, founded by former President Alvaro Uribe, have been imprisoned and in other ways persecuted for their political beliefs. As Mr. Santos hosts a summit focused on achieving global peace, his efforts to promote peace abroad must be matched in equal measure by his efforts to achieve peace domestically. If Mr. Santos does not end the persecution of the opposition, his otherwise inspiring actions for peace

will be tinged with hypocrisy and intolerance.

One of the most well-known and persecuted members of the opposition is my client, Andres Felipe Arias. Mr. Arias is a former Colombian minister of agriculture who is now seeking asylum in the United States based on the political persecution he suffered at the hands of Mr. Santos' administration. Mr. Arias was the minister of agriculture for President Uribe from 2005 to 2009 and a 2010 presidential candidate. Because he was outpolling all other candidates in early polling, Mr. Arias' political opponents falsely accused him of embezzlement and entering into a contract without meeting the legal requirements.

In 2014, a biased and politicized Supreme Court convicted him of both charges and sentenced him to 17 years in prison, despite the fact that four prior independent governmental investigations had previously cleared him of all charges. Mr. Arias' case, like many of the cases against members of the opposition, was replete with due process violations. During his trial, his right to the presumption of innocence, to present a defense and to confront the charges against him were repeatedly violated.

Since under the Colombian Constitution Mr. Arias' case was heard by the Supreme Court, he was also denied the right to appeal his conviction. In addition to not having an impartial tribunal, Mr. Arias spent nearly two years in preventive detention and was consistently denied bail without cause. Mr. Santos' administration kept the pressure on Mr. Arias because of his prominence in the opposition party and his popularity in Colombia. Through Mr. Arias' trial, Mr. Santos discredited the opposition and removed one of its most prominent and well-liked members from the political arena.

Since Mr. Arias' arrival in the United States, Mr. Santos has requested his extradition to Colombia, despite his ongoing refusal to extradite FARC members and having publicly said that there is no extradition treaty between Colombia and the United States. Mr. Santos' persecution of members of the political opposition, but willingness to grant clemency to the FARC, contradicts the goals of the summit he is hosting.

However, Mr. Santos has the opportunity to nurture democracy and an even more profound peace by calling a halt to the persecution of his political opposition. Now that Mr. Santos has concluded a peace deal with the FARC, he must build a vibrant democracy in his own country so that political opinions can be freely exchanged. As the World Summit of Nobel Peace Prize Laureates commences, Mr. Santos can either build on his legacy or undermine it.

Jared Genser has served as counsel to Nobel Peace Prize Laureates Aung San Suu Kyi, Liu Xiaobo, Desmond Tutu and Elie Wiesel.