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WHY THE U.S. SHOULD CARE ABOUT ANDRES FELIPE ARIAS

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Why the U.S. Should Care About Andres Felipe Arias

If Mr. Arias is sent home without having had the benefit of a fair asylum procedure, the U.S. will set a dangerous precedent while endorsing a repressive regime



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By Lia Fowler*

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Andres Felipe Arias, a former Minister of Agriculture from Colombia currently seeking asylum in the U.S. and facing a simultaneous extradition proceeding, is probably not on the Trump Administration's radar. He should be.

Obama holdovers in the State Department and the Department of Justice, at the bidding of the Colombian government of Juan Manuel Santos, have gone to great lengths to send Mr. Arias home before he can be heard by an asylum court. Mr. Arias' case of political persecution by the Santos government is solid, and a truly independent review would confirm his claim. But evidence of Colombia's corrupt government would be disastrous for Obama's legacy of support for Santos' so-called peace deal with the narcoterrorist group FARC – a deal sponsored by Cuba and Venezuela, designed to launder the image and wealth of the drug cartel and its cronies.



Bernard Aronson, Humberto de La Calle and Sergio Jaramillo

The Obama Administration was all-in on the Havana-sponsored peace talks. U.S. envoy to the negotiations Bernard Aronson endorsed impunity for heinous crimes, unelected seats in Congress for terrorists, rule-by-decree powers for Santos, and the illegal imposition of the supra-constitutional Havana pact on the Colombian people.

USAID money poured into shady “peace-promoting” non-governmental organizations in Colombia. Secretary of State John Kerry met with the terrorists in Havana, legitimizing them as “political actors.” And Obama pledged \$450 million in U.S. tax dollars to implement “the peace.”

Obama’s ideological partners in U.S. “think tanks” and the media worked overtime to sell Santos’ “man of peace” image. The Clinton Foundation gave Santos its Global Citizen Award in 2016, and the Atlantic Council (whose Colombia fellow just happens to be Santos’ communications strategist) gave him its own Global Citizen Award in 2015, among others. And Norway, another heavily-invested sponsor of the Havana agreements, awarded Santos the 2016 Nobel Peace Prize – just days after his deal was rejected by Colombians in a plebiscite.



The Obama Administration was all-in on the Havana-sponsored peace talks

But as the Administration spun the tale of bringing peace to Colombia it turned a blind eye to skyrocketing coca cultivation, growing repression against any dissent, the illegal overturning of the plebiscite results, and the gradual end of democracy and the rule of law in Colombia.

The “peace” propaganda was successful. But Mr. Arias’ case would shatter that falsely-constructed image, showing the reality of corruption and persecution in what is quickly becoming a narco-failed dictatorship.

So who is Mr. Arias and what does he have to say?

Mr. Arias served as Minister of Agriculture under ex-President Alvaro Uribe from 2005 -2009. As such, he instituted an OAS agricultural subsidy program that benefited more than 380,000 rural families. Consistent with the U.S.’s Plan Colombia, the program created jobs for thousands, siphoning workers away from the drug trade and putting Mr. Arias squarely in the sights of the FARC. So severe were FARC threats against Mr. Arias, that he was declared by authorities a “person at extraordinary security risk.”



Andrés Felipe Arias and Álvaro Uribe

In 2009, while Mr. Arias was a presidential candidate for the 2010 elections, it was discovered that 10 individuals had defrauded a component of the OAS program. A well-orchestrated media campaign to link Mr. Arias to the fraud eventually proved false. But despite being acquitted of criminal wrong-doing by the Attorney General’s Office, the Inspector General, an Administrative

Court, and the Electoral Council, the damage to his campaign was done. With Mr. Arias out of contention, Uribe threw his support behind Santos, who promised to continue Uribe's policies for combating narco-terrorists. But as soon as Santos won, he allied himself with Cuba and Venezuela and began the negotiations with the FARC.

In 2011, the Colombian Supreme Court appointed a new attorney general: Vivian Morales, whose husband had held a leadership role in the now amnestied M-19 terrorist group, an urban spin-off of the FARC. Morales charged Mr. Arias with signing an illegal contract with the OAS and "embezzlement in favor of third parties" – a crime that does not exist in the U.S., as embezzlement logically requires a quid-pro-quo that the Colombian version of the "crime" doesn't contemplate. Mr. Arias was tried in a single judicial proceeding, before the Colombian Supreme Court, where he was convicted to 17 years in jail. He was denied an appeal – one of many violations of humanitarian international law in his case.



Vivian Morales, an her husband Carlos A. Lucio who was a leadership role in the now amnestied M-19 terrorist group

But the cooperation agreement signed by Mr. Arias and the OAS was identical to those signed by his predecessors and by those who followed him – none of whom have ever been accused of wrongdoing. Nor was anyone at the OAS accused of any illegality. As for the “embezzlement,” not only was it proven at trial that Mr. Arias neither knew the perpetrators of the fraud nor benefitted from it, emails between the co-conspirators confirmed they orchestrated the scam with the specific purpose of creating a scandal that would derail Mr. Arias’ presidential run.

Nevermind, said the Court, which stated in its ruling — a document riddled with absurdities — “it has not been proven that he is a co-author [of the embezzlement], but it has to be true.”

U.S. officials, fully aware of Colombia’s corrupt Supreme Court and its ongoing battle against President Uribe, had seen this coming since 2009 – even before Morales was named Attorney General by the Court. In a November 17, 2009, cable from then Ambassador to Colombia William Brownfield to the State Department, published by wikileaks, Brownfield wrote:

“Arrayed against Uribe’s formidable popular support are ... the media and intelligentsia, and the politicized Supreme Court.” Brownfield continued, “The most immediate scandal concerns rich Colombians receiving subsidies from a Ministry of Agriculture program, though former agriculture minister and current presidential candidate Andres Felipe Arias seems fated to bare the brunt.”



William Brownfield

Describing the Supreme Court, Ambassador Brownfield added, “the magistrates have effectively co-opted the supposedly independent Prosecutor General’s Office by refusing to select an Uribe candidate from a three-name list. Keeping the Prosecutor General in an interim state, and filling his organization with officials from the court system, has allowed the Court to focus the Prosecutor General on key investigations against Uribe and the government.”

Perhaps that is why, when news of Mr. Arias’ conviction was illegally leaked, days before the 2014 presidential elections, and weeks before an official verdict, the U.S. Embassy assisted Mr. Arias and his family in obtaining visas for travel to the U.S., where they immediately applied for political asylum. Since June of 2014, they have been living lawfully in the U.S., waiting for their interview with U.S. Citizen and Immigration Services (USCIS).

So it was surprising when, on August 24, 2016 — the very same day that Colombian President Santos signed his agreement with the FARC — U.S. federal officers suddenly detained Mr. Arias and the DOJ initiated extradition proceedings against him.

Proceeding with the extradition request by Colombia prior to allowing USCIS to determine whether he is a victim of political persecution is clearly contrary to the spirit of International Refugee Law. An extradition proceeding is not typically the venue to prove political persecution, nor can an extradition judge grant asylum. It would be reasonable, then, to allow the asylum petition to be adjudicated before determining whether an extradition hearing was even warranted.



Obama and Chávez

But Santos and Obama's holdovers at the State Department can't afford to do that: They have no influence over the asylum process. Any asylum proceeding would have to be free of political considerations, based solely on the factual determination that Mr. Arias had a well-founded fear of political persecution in Colombia. Pressure from the Colombian government — or the State Department acting on its behalf — would help confirm the persecution.

On the matter of extradition, however, the State Department and DOJ can and have weighed in heavily. Assistant U.S. Attorney Robert Emery, representing the Government of Colombia, has

repeatedly sought detention of Mr. Arias, though he has complied fully with U.S. laws and poses no danger to the community.

Thomas Heinemann, an Assistant Legal Adviser with the State Department, maintained in an October 2016 affidavit to the Court that there is an extradition treaty in force between the U.S. and Colombia, despite the fact that in 1986 and 1987, the Colombian Supreme Court overturned Colombia's ratification of the treaty. Mr. Heinemann's illogical argument goes against even Santos' statements on the matter. In an April 2011 interview with EFE News regarding a separate matter, Santos stated: "We have an extradition agreement with Venezuela, not with the United States."

The question of whether the extradition agreement with Colombia is in effect is currently before the 11th Circuit Court of Appeals. But if it were up to Obama holdovers at State and DOJ, the U.S. would be satisfied with a bilateral extradition treaty that bound the U.S. to comply with it, but did not bind Colombia in any way – a win-win for the Santos-FARC alliance, who have maintained that none of the dozens of FARC narco-terrorists under indictment in the US will ever be extradited.

If Mr. Arias is sent home without having had the benefit of a fair asylum procedure, the U.S. will set a dangerous precedent while endorsing a repressive regime. Nevermind that Mr. Arias is innocent, or that he's in this predicament because he combated FARC narcoterrorism. Nevermind that, if extradited, he wouldn't survive the retaliation of the FARC, or that he is just one of many victims of Santos-FARC persecution.

The U.S. cannot allow Santos-FARC interests to subvert its asylum procedures or its proud tradition of offering a safe haven to those unjustly persecuted. It cannot become complicit in the Colombian government's persecution of Mr. Arias, legitimizing its corrupt practices.

In his address to Congress, President Donald Trump reiterated his commitment to combating trans-national drug organizations. This means combating the FARC and its partners-in-crime, Cuba and Venezuela. The first step in changing Obama's disastrous Latin American policy is unmasking the Santos government and exposing the peace deal for what it is: the legitimization of the world's biggest cocaine Cartel.

Secretary of State Rex Tillerson and Attorney General Jeff Sessions: You can call off the dogs. Let Mr. Arias make his case.

****Lia Fowler is an American journalist and former FBI Agent.***