

## **POLITICAL PERSECUTION AGAINST THE OPPOSITION IN COLOMBIA: A Standing Threat to the Political Viability of Peace**

### **Executive Summary:**

One of the main pillars of the ideological platform and line of thought of Colombia's opposition party, Centro Democrático, is the untiring search for peace in our country. However, we are convinced that peace, in order for it to be sustainable and lasting, must be founded in a commitment towards justice, reparation and crime cessation by FARC that is acceptable to the Colombian people and the victims of such terrorist group. In fact, Centro Democrático has contributed significantly to the ongoing debate with several ideas of feasible policy mechanisms and instruments that would guarantee the stability and legitimacy of the peace talks. Unfortunately, all of these contributions have been disregarded, rejected and stigmatized by the government, since it demands full adhesion of all political parties to its, erroneous as we see it, strategy of negotiations with FARC.

Hence, voicing the concerns shared by millions of Colombians, Centro Democrático has been a lonely source of criticism and opposition to the most dangerous concessions that the Santos Administration has made in the course of the negotiations. Sadly, our party is paying the price of its democratic and peaceful opposition with the freedom of its most prominent and visible leaders. Thus, the ultimate purpose of this persecution against Centro Democrático, led by certain sector of the judiciary system, but with consent and push from the executive branch, is to force our party to acquiesce to whatever agreement the Santos Administration reaches with FARC. In other words, the persecution aims at breaking our party's will and determination so that it ends up adhering to any agreement reached by the Santos administration with such terrorist group.

As will be explained further below, many illegal incarcerations, unfair (due process absent) criminal sentences and tools of moral annihilation have been inflicted on the most visible leaders and strongest ideological allies of Centro Democrático. In consequence, we have been forced to turn to third countries and international courts (International Pact for Civilian and Political Rights Committee of United Nations, Human Rights Committee of United Nations, Interamerican Committee of Human Rights) to report and denounce this state of affairs. With the proof and evidence that has been exhibited, several of our lawsuits have been admitted and are being studied by such courts. As well, asylum and migratory protection measures have been granted to several of our party members that, due to the persecution, nowadays are in exile. Recently, and given serious death threats received by the lawyer that leads the international defense of our party members, one of these international courts asked the Colombian government to protect his life and liberty.

In sum, while FARC terrorists are being granted full amnesty and impunity for war crimes, crimes against humanity, and drug trafficking, the most visible leaders of the main opposition party, Centro Democrático, are being subjected to a relentless political persecution by a section of the Colombian judiciary. Therefore, an absurd paradox is emerging in Colombia

due to negotiations in Cuba: while FARC commanders will be eligible for Congress and the

Presidency of Colombia, the most important leaders of the legitimate and democratic political opposition of the country, representing millions of citizens, are being sent to jail. Thus, we must highlight the little attention that has been paid to one of the most significant obstacles facing the political stability of any future peace deal between the Colombian government and FARC as part of the ongoing Havana negotiations: a peace deal that would eventually result in FARC kingpins being elected to Congress while the democratic and lawful opposition is sent to prison is not politically viable and will in the long run be self-undermining.

### ***THE GENESIS OF PERSECUTION***

Centro Democrático was founded as a political party in 2013, with the leadership of former president and current senator Álvaro Uribe. The party's platform reflects its commitment to the enduring values of the rule of law and democracy, as well as importance of security, private investment, and social policy as equally fundamental components of sustainable and equitable growth.

President Uribe's successful policies during his two administrations (2002-2006 and 2006-2010) stood out, among other reasons, for his unprecedented effectiveness as reining in violence, terrorism, and drug trafficking in Colombia, to an important extent thanks to the bipartisan coalition that has supported Colombia in the United States. Thanks to the Uribe Administration, Colombia was transformed from a failed state which had been virtually subdued by narcoterrorism, into a safe and prosperous democracy and emerging economy with a vigorous middle class, falling unemployment, decreasing poverty levels, and outstanding levels of private investment.

As part of his relentless commitment to fighting drug trafficking and its corrupting influence in Colombian society, the Uribe Administration extradited over 1,200 drug lords to the U.S. and did not shy away from denouncing public officials with suspiciously close ties to the drug world. It was in that context that President Uribe publicly questioned the well-documented relationships between several Supreme Court Justices and an individual charged with drug trafficking and money laundering. By making the public aware of this, and publicly presenting the evidence of the Justices' ties to said individual, the Uribe Administration earned the deep-seated enmity of a significant group of Supreme Court Justices.

The Colombian Constitution determines that the Attorney General shall be selected by the Supreme Court from a list of three nominees submitted by the president. This institutional mechanism became the Supreme Court's preferred route to vent its public enmity towards the Uribe Administration. The Court unconstitutionally refused to select an AG among president Uribe's nominees for as long as he held office. It was only after Juan Manuel Santos was sworn in as president that the Court was willing to select an AG—and one who was openly critical of the Uribe Administration, Mrs. Viviane Morales. It is important to highlight that Mrs. Morales' husband, Mr. Carlos Alonso Lucio, has been a militant or close ally of guerrilla groups, drug cartels, and paramilitary groups in the past—the same groups that

President Uribe's administration relentlessly fought as part of his "Democratic Security" policy.

As expected, AG Morales unleashed a campaign of persecution by means of the judiciary against former cabinet members and high-ranking officials who served under President Uribe's administration, as well as against several members his family.

When a High Administrative Court declared AG Morales's election null and void on constitutional grounds, President Santos, in concert with the Supreme Court and moved by their common interest in diminishing President Uribe's political influence in Colombia secured the election of Eduardo Montealegre as new Attorney General. Mr. Montealegre had been a contractor for the Santos Administration and quickly aligned himself, publicly, with the administration's agenda, serving as its virtual spokesman against our party.

It should be noted that the Attorney General of Colombia is *not* part of the Executive branch, unlike the case of the U.S. The office of AG is part of the judiciary and has a mandate of political neutrality in the Constitution, akin to that of a judge. Mr. Montealegre's open partisanship has severely undermined public confidence in the AG's Office and the judiciary generally (at less than 20% as measured in different national polls), although that has not stopped him from intensifying the political persecution against our party unleashed by AG Morales.

### ***THE TARGETS OF PERSECUTION***

On the basis of bogus charges and false witnesses, and despite their blatant lack of impartiality and evident unfitness to prosecute and judge any cabinet member, high ranking official or family member of President Uribe, the Attorney General and the Supreme Court of Colombia have illegally incarcerated, prosecuted and/or convicted (or are in the process of convicting) the following citizens with direct ties to former President Uribe and/or his Administration:

1. Santiago Uribe – former President Uribe's brother.
2. Tomás Uribe – Son of President Uribe
3. Jerónimo Uribe – Son of President Uribe
4. Óscar Iván Zuluaga – Minister of Finance of during the Uribe Administration, Presidential Candidate (2014) and Director General of Centro Democrático, our political party.
5. Francisco Santos - former Vicepresident during the Uribe Administration.
6. Sabas Pretelt de la Vega – Minister of Justice and Interior of President Uribe

7. Andres Felipe Arias – Minister of Agriculture of President Uribe and Presidential Candidate (2010).
8. Diego Palacio – Minister of Health of President Uribe
9. Bernardo Moreno – Chief of Staff of President Uribe
10. Alberto Velasquez – Chief of Staff of President Uribe
11. Luis Carlos Restrepo – High Commissioner for Peace of President Uribe.
12. David Zuluaga – Son of Oscar Ivan Zuluaga and General Manager of his presidential campaign.
13. Luis Alfonso Hoyos – Ambassador to the Organization of American States of President Uribe and Main Advisor to Oscar Ivan Zuluaga’s campaign.
14. Luis Alfredo Ramos – Governor of Antioquia during the administrations of President Uribe and candidate in the primaries of Centro Democrático (2014)
15. Maria del Pilar Hurtado – Director of DAS (Department of Administrative Security) of President Uribe
16. Cesar Mauricio Velasquez – High Commissioner for Communications of President Uribe
17. Edmundo del Castillo – Legal Secretary of the Presidency of President Uribe

The reason why the Supreme Court and AG Montealegre have so blatantly targeted Centro Democrático’s leaders is obvious: revenge for President Uribe's public questioning of the ties of several of their members with individuals charged with drug trafficking and money laundering.

### ***WHY THE SANTOS ADMINISTRATION HAS ENCOURAGED PERSECUTION***

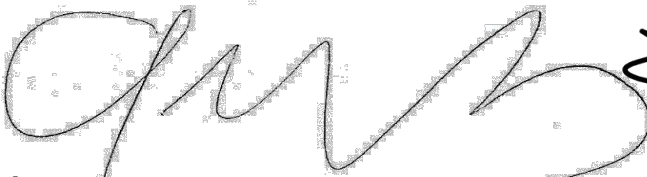
After winning the 2010 presidential election thanks to the support of then president Uribe, Juan Manuel Santos radically shifted his policy agenda. Having been Uribe’s own Minister of Defense, he run on the same platform that Centro Democrático now defends. But it didn’t take him long to turn his back on his predecessors’ security policy in favor of negotiations with FARC. He befriended dictators Hugo Chavez and Fidel Castro, renegaded on an agreement with the U.S. to allow several military bases to operate in Colombia as part of the fight against drug trafficking, and severely weakened the fiscal and social policies of the previous administrations. As a result, Colombia’s has become the third economy with the highest fiscal burden in the world and coca paste production has increased significantly, as recently reported by the White House Office for National Drug Control Policy.

While every Colombian shared the aspiration for peace, our party has repeatedly called attention to the fact that Santos' negotiations have mistakenly made such a promise on the basis of total impunity with FARC terrorists. Every time there has been a peace process in

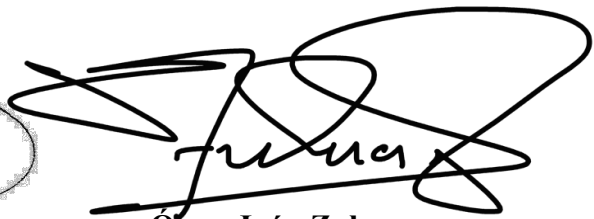
Colombia, impunity has become the midwife of new forms of violence. We also disagree with the agreement reached between FARC and the government to the effect that terrorist leaders will remain eligible for public office, despite their fully documented atrocities. We also object to the lenience that the Santos Administration has shown towards the drug traffic, which has been labelled a "political offense" and thus made automatically eligible for executive amnesty. The many concerns our party has articulated are not only shared by millions of Colombians (as every national poll indicates), but also by Human Rights Watch, the Inspector General's Office, and associations of FARC victims in Colombia.

The political persecution against president Uribe, his family, and his fellow Centro Democrático leaders has become president Santos' preferred avenue to exert illegal pressure upon our party in the hopes that we will cease to express our misgivings about the Havana talks.

We believe that many of the errors made so far in the course of the negotiations can be reversed. Colombia can still reach a decent agreement with FARC and lay the foundations for true, long-lasting peace. But those efforts will be to no avail if the Santos Administration continues to use the AG's office and certain groups in the judiciary as a means to strong-arm the opposition. The international community should be made aware of the political instability that this persecution has fostered—an instability that can become the single most important threat to the viability and popular support for a future peace deal with FARC.



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