

AFFIDAVIT

My name is Eduardo A. Gamarra, and I am currently a tenured full professor of political science in the department of politics and international relations at Florida International University. I have been at FIU since 1986 where I also directed the Latin American and Caribbean Center (LACC) from 1994 to 2007. As director of LACC, I was involved in research and public policy issues, academic exchanges, fund raising, and other multiple activities in numerous countries of Latin America, including Colombia. Since 1986, as a professor I have taught courses on South America, with a particular focus on the Andean region. I am currently teaching a graduate seminar on the region, which focuses largely on the current political situation in the Central Andean countries of Colombia, Venezuela, Ecuador, Peru, and Bolivia. In addition, much of my research has been on the relationship between illicit industries and the Andean region's young democracies. I have conducted research in Colombia on a number of different projects over the years, have lectured extensively at several universities throughout that country, and have also spent additional personal and family time there.

Throughout my professional career I have consulted for different branches of the US government including the US Agency for International Development, the US Department of Defense, the US Department of State, and the US Department of Energy on a variety of different projects, the majority with a focus on the Andes including Colombia. In addition, I have testified before the US Congress on US policy toward the region, most recently in December 2011 before the US Senate Foreign Affairs Committee.

I have also served as a consultant to other multilateral agencies such as the World Bank, the United Nations Development Program, the Inter American Development Bank, the Organization of American States, the European Union among others on Andean related projects that included Colombia. And, I have served as principal adviser on a range of policy issues to heads of state in countries such as Bolivia, Dominican Republic, and most recently Haiti.

I am also regularly asked to comment on the media about Latin American affairs—including developments in Colombia—in outlets worldwide including among many others the following: ABC News, CBS News, Fox News, CNN, CNN es español, BBC News, Reuters, Canadian Broadcasting Company, Radio France International, NTN 24 Horas, Caracol, RCN, National Public Radio, W Radio (Colombia), New York Times, Wall Street Journal, Miami Herald, Washington Post, Los Angeles Times, El Tiempo de Bogota, El Espectador, El Colombiano, Clarin de Buenos Aires, Folha de Sao Paolo, El Mercurio de Chile, La Razon (Bolivia), The Village Voice, Al Jazeera, and Sky News.

Finally, I am a founding partner of Newlink Research, Newlink Political, and Integrated Communications and Research (ICR) consulting firms with a very active portfolio of public and private sector clients throughout Latin America. Through these companies my consulting work

has centered primarily on market research and public opinion polling. Much of our polling has been used to develop political campaign strategy and messaging as well as public policy decision making, especially in the security area. Our work in Colombia has included a large annual country survey that gauges citizen attitudes about democratic values.

I have served as an expert witness on a number of cases. Some have been asylum requests and others have had to do with narcotics trafficking, extradition requests, and a money laundering case. I have generally served asylum cases on a pro bono basis. I am offering my expertise in this particular case on a pro bono basis as well.

I have been asked to assess the current political situation in Colombia and to address the particular set of circumstances surrounding Mr. Andres Felipe Arias' sudden departure from that country. To address this request I must first provide some background to explain the peculiar set of circumstances that Colombia is currently experiencing.

Necessary Background on Colombian Politics

Colombia is going through a particularly complex political period stemming mainly from a significant political confrontation between the current President of Colombia Juan Manuel Santos and the former President of Colombia, Alvaro Uribe. Until the 2010 presidential elections, when Juan Manuel Santos was the anointed successor candidate, the relationship with Alvaro Uribe was nothing short of remarkable. Uribe had presided over eight years of extraordinary success in restoring economic growth, political stability, and most important, significantly reducing the power, strength and presence of one of Latin America's largest Marxist guerrilla groups known as the *Fuerzas Armadas Revolucionarias de Colombia* (FARC). Under Uribe's rule, Colombia went from being classified by most political observers as a failed state to one of the most attractive places for investment and tourism. The success came mainly from the implementation of an impressive public security plan called the Democratic Security Plan. This comprehensive plan aimed mainly at restoring the presence of the state throughout Colombia, especially in those places that had essentially been under the control of the guerrilla.

The important part of this story is that Juan Manuel Santos served as Minister of Defense during this government and his record at that Ministry was parlayed into his successful presidential candidacy in 2010. His success in those elections was attributed by all credible observers to Alvaro Uribe's endorsement and the candidate's promise that he would continue forward with the policies initiated by his predecessor.

It is important at this stage to introduce Mr. Andres Felipe Arias, who also served in Uribe's cabinet as Minister of Agriculture. As was the case with Mr. Santos, Arias was generally given very high marks for his performance as Minister and was originally seen as President Uribe's logical successor. Indeed, many believed that Mr. Arias was the person that Uribe really wanted as his trusted successor. Hence, Mr. Arias resigned as Minister of Agriculture in February 2009 and launched his campaign to compete in the primaries of the Conservative Party. In the middle of a very successful primary campaign – he was in fact leading all polls – he

was accused, initially by the media and then by his political rivals in the middle of this campaign fray, of having committed fraud while administering one of the most successful programs that he had designed for the Ministry of Agriculture.

The case can be summarized briefly as follows.

In 2006 Minister Arias designed a program called Agro Ingreso Seguro whose sole aim was to provide financial assistance to small and medium sized farmers. Approved by the Colombian Congress, the project aimed at preparing small and medium sized farmers for the free trade agreement (FTA) that was signed with the United States. Its objective, in other words, was to prepare the agricultural sector for the competition that was likely to affect agribusiness with the opening of the market with the United States.

The program was certified by the Inter American Institute for Cooperation on Agriculture (IICA), an entity affiliated to the Organizations of American States. The IICA's role was to certify the eligibility of each and every one of the farmers who was set to receive this financial assistance. The role of Minister Arias and his ministry was simply to disburse these fully certified funds. However, one examines the program Agro Ingreso Seguro, it was a resounding success.

It is generally agreed that over 99% of the funds in that program were delivered to qualified small and medium sized farmers. Approximately 386,000 low-income peasant families benefitted from the program and independent analysts agree that it generated crops in over one million hectares across Colombia. Not surprisingly, Arias became one of the star ministers of the Uribe administration with a legitimate claim on becoming the president's successor.

It is also generally agreed that the remaining amount went to unqualified farmers –who were, nonetheless certified by the IICA-OAS. In point of fact that wealthy farmers received the remaining funds was not illegal. The illegality occurred when six these wealthy farmers turned around and subdivided their land to become eligible for even more funding. Again, however, these subsidies were certified by the IICA-OAS and without the knowledge or connivance of the Ministry of Agriculture or its Minister.

That the accusations surfaced during 2009, in the middle of the Conservative Party primaries and just before the 2010 presidential elections diminished the possibilities of Mr. Arias becoming a viable candidate for the 2010 – 2014 period. Nevertheless, he did very well in the primaries obtaining more than one million votes (or about 30% of the total vote in those primaries). He lost the primaries by a mere one percent. Although he did not win the primary, Arias showed that he was a significant contender even after the insertion by his rivals of the Agro Ingreso Seguro issue into the campaign. In fact, the primary results positioned Mr. Arias as one of the strongest presidential candidates for the 2014 – 2018 period. This was so much the case that many of candidates (including candidate Santos) sought for his political support during the then upcoming elections. The fact that formal investigations of the Agro Ingreso Seguro scandal by different Colombian State agencies cleared Mr. Arias positioned him as an even stronger contender in Colombia's complex political arena.

Once President Santos assumed office, and once he drastically shifted his political position (see below) turning against former President Uribe,] his newly and irregularly elected Attorney General dusted off the case and in a public session that included a pro government cheering section, accused Mr. Arias of two crimes: embezzlement and signing contracts that did not meet legal requirements. For these alleged crimes Mr. Arias faced 7 to 33 years in prison. In a dramatic turn of events, the attorney general ordered his “preventive detention;” Mr. Arias was arrested and jailed on July 26, 2011 and held without bond until his release on June 14, 2013. That Mr. Arias was held in preventive detention for two years was a travesty of justice and a clear violation of due process norms enshrined in the Colombian Constitution. It also represented a flagrant violation of basic human rights standards. As shall be seen his detention was arbitrary because it was politically motivated.

Nonetheless Mr. Arias faced the accusations with stoicism and sat in jail without bond until he was miraculously released to face an even greater degree of political persecution during the year in which he waited for the Supreme Court to issue a final ruling on the case. His arbitrary imprisonment and the accompanying harassment and persecution he endured prevented him from becoming Mr. Uribe’s candidate in the 2014 presidential election. It is noteworthy that none of the wealthy unqualified farmers who received the subsidies by subdividing their land, nor the IICA that certified them, has ever been accused of any wrongdoing. Only Arias was arbitrarily held in prison without bail; he was released to prepare for a mock trial; and then was arbitrarily sentenced to nearly two decades in prison by a heavily politicized Supreme Court.

It is important to note that the Public Ministry, which launched the case in 2009, had already called for Mr. Arias’ acquittal. There is no greater demonstration of the Court’s politicization than the illegal leaking of the news of Mr. Arias’ conviction a mere two days before the second round of the 2014 presidential elections. The intentionality of the leak was to derail the candidacy of Mr. Uribe’s candidate (Mr. Oscar Ivan Zuluaga) who had defeated President Santos during the first round of the electoral process. However, one examines this case, it represents one of the most extreme miscarriages of justice anywhere in the Americas.

In retrospect, in my professional opinion, the Agro Ingreso Seguro case served four very important political functions: it undermined the budding political career of Andres Felipe Arias; it directly contributed to the eventual ascension to political power of Juan Manuel Santos; it served as way to prevent Mr. Arias from ever again contemplating a public sector career in Colombia; and, it became one of the most visible and expedient ways to attack former President Uribe. In short, as shall be seen below, a campaign has been underway since 2010 that has pitted President Juan Manuel Santos against former President Alvaro Uribe. The most visible victim of this battle has been none other than Andres Felipe Arias.

The Transformation of Juan Manuel Santos.

When Juan Manuel Santos was sworn in as president in August of 2010 few expected to see any major shifts in public policy. Moreover, most expected Santos to rely on Uribe for advice and

counsel on the range of difficult issues that he was to face upon assuming office. Almost from the outset Santos distanced himself from Uribe, specifically on two related issues: how to deal with President Hugo Chavez and Venezuela; and, how to deal with the FARC.

Those of us familiar with Santos —I have known President Santos since the mid 1990s—were most surprised to see him pursue a line of rapprochement with Chavez and to essentially follow the political line of what was already a Havana-Caracas axis. Santos, who is a member of one of Colombia's wealthiest families, was one of the most extremist anti-Chavez spokespersons. In 2004, for example, he wrote an article in which he detailed the connections between Chavez, the FARC, Cuba, and narcotics trafficking networks. What a great surprise it was indeed to see Juan Manuel Santos cozying up to his erstwhile sworn enemies.

There are many reasons and issues that explain the sudden enmity between Santos and Uribe. None is more compelling, however, than Santos's newfound friendship with Chavez and his successor Nicolas Maduro mainly because their support is crucial for the success of the Colombian government's slow paced peace process with the FARC guerrillas. The peace process has involved meetings in Havana, Cuba since 2012; however, the road to Havana involved securing the very early support from Venezuela. The agreement with Venezuela was reached shortly after Santos assumed office.

Former President Uribe who had dedicated eight years to stopping the FARC and who had openly engaged President Chavez several times for supporting this guerrilla force considered the peace process an absolute betrayal. Be that as it may, Santos's abrupt shift, led to a deterioration of the relations between Uribe and Santos to the extreme that a full-fledged campaign against the former president and any one of his collaborators was initiated and has been in full force since 2010. Unfortunately, Mr. Andres Felipe Arias was the most visible and easiest target of this campaign given his continued and very close relationship to Alvaro Uribe and the pending accusations against him for the Agro Ingreso Seguro case.

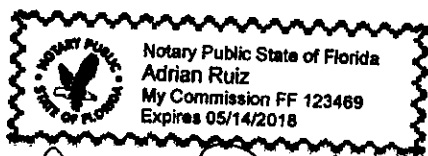
The most critical dimension of this case is that unfortunately the politicization of this case reflects very clearly the loss of independence of the judiciary in Colombia. Long recognized as having had an independent and professional judiciary, in the past four years the judiciary has become a part of the government's attempt to curb the influence and strength of what is generally described as Uribismo. And, it appears that the government is achieving its objective. The government appears to not only control the office of prosecuting attorney but it also holds an enormous influence over the voting majority in the Supreme Court. The influence over this branch has been a crucial part of what appears to be a broader strategy.

The campaign against Uribe and his collaborators has taken a page from the government of Venezuela ----and is similar to tactics used in other countries such as Ecuador and Bolivia—to deal with opposition groups. I have described this tactic as the “judicialization of politics.” It essentially consists of the following: finding any old case or uncovering new cases (generally allegations of corruption in office) against members of previous governments or any politician who dares to challenge the government in an election or in a policy discussion. Officials in the

Judicial branch who are either elected on the government's list or are directly appointed by the president take on them and embark on crusades to make them exemplary cases that demonstrate the government's resolve to fight corruption. In reality they are nothing more than an efficient way to prevent often-talented individuals from engaging in politics for fear of being unjustly prosecuted and even jailed. The examples in the aforementioned countries are numerous. That Colombia followed their lead is clear as evidenced by the Andres Felipe Arias Case.

Conclusion

Given this general scenario, it is my professional opinion that if Mr. Andres Felipe Arias were returned to Colombia he would be jailed unjustly to serve out the 17+ years to which the Supreme Court has sentenced him. As I have argued in this Affidavit, the entire process that ended with his indictment, his arbitrary pretrial "preventive detention," and his cruel sentence are all part of a well-defined political strategy. This strategy targets mainly former President Alvaro Uribe and his closest collaborators in an attempt to curtail any activities deemed to challenge the government's policies, especially the peace process with the FARC that is supported by both Cuba and Venezuela. As I have shown in this affidavit this strategy was also successful in annihilating Andres Felipe Arias promising political career. Sending Andres Felipe Arias to Colombia would be the equivalent of the US government formally endorsing a gross miscarriage of justice and simultaneously endorsing an ill-conceived peace process that is unlikely to bring peace to Colombia.



Adrian Ruiz
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The foregoing document was
acknowledged before me
this 9 day of October, 2014
by Eduardo Aurelio Camarra
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