

Ex-Colombian minister's defense says there's no extradition treaty with U.S.

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The attorneys for former Colombian government minister Andres Felipe Arias are seen in this p

The attorneys for former Colombian government minister Andres Felipe Arias asked the U.S. judge reviewing whether to extradite him to his homeland to release him claiming that there is no extradition treaty in force between the two countries, according to a court document released on Wednesday.

The document asks for the extradition request to be rejected, the arrest order for Arias to be rescinded and the former minister to be released.

The attorneys argued to federal Judge John O'Sullivan that a U.S. extradition court has no jurisdiction - albeit with a single exception - if there is no valid treaty on that issue.

According to the defense team of Arias, who has been under arrest in Miami since Aug. 24 and was sentenced in 2014 in Colombia to 17 1/2 years behind bars for corruption, the bilateral extradition treaty signed in 1979 has not been ratified.

The treaty is expressly "subject to ratification" under both U.S. and Colombian law, attorneys David Oscar Markus, Ricardo J. Bascuas and Marc David Seitles said in their motion.

The defense team's argument is based on the fact that the Colombian Supreme Court ruled in 1986 that the legislation in which the ratification of the treaty was contained was not in accord with the country's constitution since it was promulgated by a person who was not president.

The document presented to Judge O'Sullivan refers back to the Colombian Foreign Ministry's list of bilateral treaties, which states that the extradition treaty with the United States is "not in effect."

The U.S. Department of State's Web site also confirms that the extradition treaty with Bogota was never ratified in accord with Colombian law.

Arias fled to the United States in 2014 just before his sentence was announced, and shortly thereafter he presented an asylum request which was taken under consideration but on which no final ruling has yet been issued.

Arias was sentenced by the Colombian Supreme Court to 17 1/2 years in prison and to pay a fine of \$25 million pesos (some \$8.5 million) for allowing subsidies to peasants to wind up in the hands of wealthy families when he was agriculture minister during the Alvaro Uribe government.

Last Friday, the court for the second time denied bail to Arias after prosecutors declared him to be a flight risk.