

The Honorable Bob Corker
United States Senate
425 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Bob Menendez
United States Senate
528 Hart Senate Office Building
Washington, DC 20510

The Honorable Lindsey Graham
United States Senate
290 Russell Senate Office Building
Washington, DC 20510

The Honorable Patrick Leahy
United States Senate
437 Russell Senate Office Building
Washington, DC 20510

The Honorable Ed Royce
United States House of Representatives
2310 Rayburn House Office Building
Washington, DC 20515

The Honorable Eliot Engel
United States House of Representatives
2462 Rayburn House Office Building
Washington, DC 20515

The Honorable Hal Rogers
United States House of Representatives
2406 Rayburn House Office Building
Washington, DC 20515

The Honorable Nita Lowey
United States House of Representatives
2365 Rayburn House Office Building
Washington, DC 20515

September 10th, 2018

Honorable Members of Congress:

I am writing you today to request your assistance in ensuring that I, as a U.S. citizen, receive fair treatment in the eyes of Colombian law. Unfortunately, due to Colombian Attorney General Nestor Humberto Martínez's abundant conflicts of interest as it relates to my case, I am not receiving a fair prosecution. Unless you and your colleagues, as representatives of the U.S. government, shine a light on his conflicted interests and demand transparency, he will succeed in taking me out of preventive house arrest and send me to a regular prison.

Colombia has traditionally served as the United States' strongest ally in the Western Hemisphere, providing the front line of defense against narco-trafficking, human trafficking, and terrorism. I believe that it is in the United States' national interest to make sure that the Colombian Attorney General, whose primary directive is to combat corruption within Colombia, lives up to the highest standards of transparency.

In 2011, I answered the call to serve in Colombia, my parents' birthplace, to create and run a new government agency, the National Infrastructure Agency – known by its Spanish acronym "ANI". Previously, I had a successful 25-year career in McKinsey & Company and ultimately retired as Senior Partner from the firm. I accepted the position because I wanted to make the country a better place. Unfortunately, ANI inherited a contract for a project called Ruta del Sol 2, which had been obtained by Odebrecht, a Brazilian construction company, through bribing. Further, the company created to execute this contract was later used to pay-off politicians to influence decisions at ANI and other government entities.

I was unaware of the wrongdoing until the U.S. Department of Justice discovered it in December 2016. Unfortunately, many acts of corruption in Colombia are only discovered when other countries intervene. According to press reports, up to \$ 50 million of illegal payments were made by Odebrecht-controlled companies in Colombia. As soon as the bribing was uncovered, I asked an arbitration court to declare the contract null and void, as Colombian law require

Attorney General Martínez's conflicts of interest as it relates to this case are overwhelming and obvious. He previously served as external counsel to Odebrecht's subsidiaries in Colombia and Grupo AVAL (Odebrecht's partner in Colombia). Then he served as Chief of Staff to former President Santos. As legal counsel to Odebrecht he drafted a favorable legal opinion for an addendum to the Ruta del Sol 2 contract and then approved it two years later, as a public official, with President Santos' blessing. This is the very same decision for which I am being investigated and accused!

While Attorney General Martínez has recently stated publicly that he never signed a favorable legal opinion for Odebrecht, I have released the document in question where his signature is clear for all eyes to see. This is just the most recent example of Attorney General Martínez's attempts to cover up his own and his clients' involvement.

From the beginning of the false prosecution brought against me, Attorney General Martínez has vigorously attempted to send me into prison as a preventive measure during the trial. In the initial arraignment hearing, to justify preventive imprisonment, the Attorney General's prosecutor played a recording of a private conversation that I was having with a family member where he advised me to explain my unjust situation to the media. The prosecutor used this recording to argue that I was obstructing justice by planning to manipulate public opinion.

This recording came from a wiretap placed on my private phone lines. As justification for this wiretap, the Attorney General's prosecutor produced a U.S. DEA memorandum authorizing this surveillance. Troubled by the fact that the U.S. DEA found reason to surveil me, my legal team submitted a FOIA request to DEA and eventually received a reply in a determination letter that stated, "We are unable to locate any records responsive to your request."

As the members of congress who maintain jurisdiction over our nation's foreign affairs and funding for foreign operations, the fact that a DEA memorandum was fraudulently used to unlawfully surveil a U.S. citizen should be extremely troubling. With all the funding that the United States provides Colombia, I believe that you would agree with me in thinking that not a single penny of these funds should be directed towards illegally surveilling a U.S. citizen.

If we do not hold our closest allies to the highest standards, we risk compromising our national security and interests in the Western Hemisphere. I call upon you, esteemed members of congress, to join my call for an independent prosecutor to oversee the Odebrecht corruption in Colombia and investigate the use of a DEA wiretap illegally placed on my phone.

Sincerely,

Luis F. Andrade

