The Moscow Times
30 YEARS
INDEPENDENT NEWS FROM RUSSIA

U.S. Defends Smuggling Case Against Bout

May 10, 2011



Bout, right, being interviewed by U.S. agents in a Thai police station in a March 2008 photo released Monday. **U.S. attorney's office**

NEW YORK — The U.S. government has defended the prosecution of Russian businessman Viktor Bout, revealing evidence it says shows he knew plenty about the world's largest cocaine supplier when he agreed to supply it with weapons to fight Americans.

Federal prosecutors in Manhattan described the evidence in papers filed last week in the case against Bout, who was extradited last year from Thailand to face charges that he agreed to supply weapons to the Revolutionary Armed Forces of Colombia, also known as FARC. The United States has labeled the group a terrorist organization.

Bout's lawyers asked a judge last month to toss out the charges against him, saying he was threatened by U.S. agents in Thailand after he was arrested there in March 2008 and was brought to the United States for trial even though he had never been to the country before.

Prosecutors responded in court papers by saying evidence shows that Bout researched

the FARC on the Internet before agreeing to meet with their representatives, who were actually U.S. Drug Enforcement Administration confidential sources posing as members of the group. They said a computer analysis of Bout's laptop computer showed a variety of materials related to the FARC in an electronic file saved as "FARC."

The file contained articles about the FARC and its objectives and proof that Bout, before going to Thailand, had accessed a web site where there was a posting of a 2005 Justice Department news release announcing the extradition of a high-ranking member of FARC and a 2001 indictment filed in the U.S. District Court for the District of Columbia charging the FARC and some of its leaders with conspiring to kill Americans, the government said.

It said evidence prepared for Bout's Oct. 11 trial would include a recording of the two-hour meeting between Bout, a co-conspirator and the two DEA sources just before he was arrested, along with records of dozens of telephone calls and text messages between Bout and the co-conspirator that were intercepted by Romanian authorities in January and February 2008. It said it also had multiple recorded telephone calls and emails between Bout and one of the DEA sources in February 2008.

Prosecutors also said they had the cooperation of Bout's co-defendant, who has pleaded guilty in the case to the same charges facing Bout: conspiracy to kill Americans, conspiracy to kill U.S. officers and employees, conspiracy to acquire and use anti-aircraft missiles and conspiracy to provide material support to the FARC. Bout has pleaded not guilty.

The government said Bout told his co-conspirator that he could supply Russian helicopters that are superior to their U.S. equivalents, along with equipment that could interfere with U.S. satellites and an immediate shipment of 100 surface-to-air missiles.

The government said it also had Bout in tape-recorded conversations saying after hearing that the DEA sources wanted weapons to use against American pilots: "We're together. ... And we have the same enemy." At another point, the government said, Bout told the DEA sources: "It's not business. It's my fight."

Prosecutors rejected as "striking hyperbole" defense claims that the indictment should be dismissed because of outrageous conduct by the government.

"The government's investigation did not remotely qualify as outrageous conduct," they said. "Far from it, Bout was presented with an opportunity to participate in an illegal weapons deal, and he accepted it with alacrity."

The government said it understood a demand by the defense that prosecutors withdraw from trial a reference to Bout as the "Merchant of Death," a moniker that became part of the evidence because Bout's co-conspirator said at a recorded meeting: "I'll give you the name of my friend so that you know, but this is just between you and me. ... It's Viktor Bout. ... He's named the 'Merchant of Death.' And the whole world is after him."

Prosecutors withdrew the use of the moniker from the indictment.

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