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Witness in Bout Case Recalls Key Moscow Meeting

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NEW YORK — The star U.S. government witness against Russian businessman Viktor Bout has taken center stage in the federal conspiracy trial, recounting a key Moscow meeting that prosecutors say set up negotiations with informants posing as South American terrorists.

Andrew Smulian, a South African business associate arrested with Bout in Bangkok in March 2008 at the end of a sting operation by U.S. Drug Enforcement Administration agents, described a rapid succession of phone calls, e-mails and text messages with the defendant after they met for three days at his Moscow office and home.

Smulian, 70, testified Wednesday that after his arrest he quickly agreed to cooperate in the investigation and pleaded guilty in July 2008 to charges of conspiring to kill Americans, provide missiles and aid a terrorist group, the charges now facing Bout, who has pleaded not guilty. Smulian said he has met with investigators and prosecutors more than 75 times since his arrest, hoping that his cooperation will win a reduced prison sentence.

Under cross-examination by Bout's defense lawyer, Smulian insisted he had not lied to curry

favor with prosecutors and said his memory was good enough to recall his intricate dealings with Bout, undercover operatives and others drawn into the covert DEA sting operation.

"I certainly won't lie, sir," Smulian told attorney Andrew Dayan.

Hunched on the witness stand, Smulian, a white-haired figure with a thick mustache, testified on Wednesday that he flew to Moscow and met with Bout in late January 2008. Over three days, he said, they discussed plans to arrange the delivery of anti-aircraft missile systems and other weapons to the Revolutionary Armed Forces of Colombia, or FARC, a terrorist group known for using cocaine deals to support terrorist operations.

Neither man knew at the time that the two FARC officials they were dealing with were undercover informants working for the DEA.

At first, Bout dismissed the idea of a deal, Smulian testified.

"He said he didn't deal with drug dealers," Smulian said.

But when Smulian urged Bout to research FARC's ideological stance as a "left-leaning or communist organization," the Russian appeared to grow more interested, the witness said.

According to Smulian, Bout said he would favor a deal "if FARC were genuine in their interest." And he added that "because they were communists, the defendant could offer them assistance."

Smulian testified that when he told Bout that the two FARC officials urgently wanted anti-aircraft missile systems, the Russian interrupted him by grabbing a telephone and talking for several minutes in his native language. Hanging up, Bout told him "100 pieces were available," Smulian testified. He said Bout was referring to 100 Igla anti-missile launchers capable of destroying combat helicopters in midair.

The two men also discussed massive quantities of assault rifles, ammunition and grenades for FARC, Smulian said. He said when he asked about a price for the weaponry, Bout "told me the costs were very high" but did not specify costs.

Bout, 44, has insisted he is a legitimate businessman whose primary dealings were in transporting standard air cargo. His lawyer said during opening statements this month that he played along with the men posing as members of FARC so he could try to sell them two planes he had left over from when he operated a transport business before the United Nations restricted his travel in 2004. If convicted of conspiracy charges, Bout, 44, could face life in prison.

Smulian said he had known Bout since the late 1990s, when they met in South Africa while they were in the air cargo business. Smulian also said he was a source for South African military intelligence but insisted he saw no evidence at the time of any Bout planes loaded with weapons.

But in 1998, he testified, Bout took him along on a trip to a major international defense exhibition in Dubai. At the event, he testified, Bout introduced him to a man he identified as a major Bulgarian arms supplier and to Mikhail Kalashnikov, inventor of the AK-47 assault

rifle.

After a decade of little contact, Smulian re-engaged Bout in 2007, when he was in desperate financial straits. He said he tried to interest the Russian in a possible deal to supply weapons to Rwanda's defense force, but when the possibility of selling arms to FARC emerged, they jumped at the opportunity.

Under questioning Wednesday from prosecutor Anjan Sahni, Smulian verified a cascade of phone calls, e-mails and text messages between him and Bout as the defendant watched him impassively from the defense table.

Many of the conversations were coded, government witnesses have said, with the two men referring to Bout as "Boris," to weapons as "stuff" and to the men they thought were FARC officials as "our friends." And both men used cell phones with SIM cards, portable memory chips that make it difficult to track the user. But neither man knew that their communications were all being recorded by U.S. and allied authorities, Smulian testified.

Dayan questioned Smulian about Bout's comments in some of the e-mails that he might have turned away from weapons dealings — suggesting that the Russian had moved on to new business interests in real estate and other investments. Referring to one e-mail comment made to Smulian by a mutual friend of his and Bout's that "Boris has withdrawn," Dayan asked: "Withdrawn from what?"

Smulian conceded that it appeared the statement suggested Bout had stopped dealing in weapons.

But earlier, Smulian said he had told Bout that the two undercover informants he thought were FARC members were balking at their arrangements of the proposed deal and insisted he needed to stay with them until the weapons were delivered. When he told Bout of their concerns, Bout dismissed them tersely.

"No problem, Andrew," Bout said on the wiretapped phone conversation. "We're not crooks."

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