

Bout's Jail Conditions Criticized As Harsh

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Bout

NEW YORK — A judge has upheld the conviction of Russian arms dealer Viktor Bout — also known as the Merchant of Death — but said his prison conditions seemed "harsh" and "brutal."

U.S. District Judge Shira Scheindlin in Manhattan rejected a request by Bout's lawyers to throw out the November verdict finding him guilty of four conspiracy charges that he sold weapons to South American terrorists with the understanding that they would be used to shoot down U.S. helicopters.

She noted that many of the reasons to toss the conspiracy charges, including claims the United States had no jurisdiction to try Bout, were the same ones offered when the defense tried to strike them down before trial.

But the judge was sympathetic to complaints about the isolated conditions Bout has been held in for more than a year since he was extradited in late 2010 from Thailand to face trial after his

arrest there two years earlier. She set a Friday hearing on the issue.

At the court hearing Wednesday, she read aloud a letter from the defense saying Bout is held in solitary confinement with no fresh air or sunlight and is allowed only one family visit a week and one phone call a month.

"Unrebutted, it doesn't sound like a good thing," the judge said. "It seems harsh. It seems brutal. It seems unnecessary. It seems like something should be done about it."

Assistant U.S. Attorney Guruanjan Sahni said he will discuss the issue with the U.S. Bureau of Prisons to prepare for Friday's hearing.

Defense lawyer Albert Dayan told the judge he wanted to resolve the issue before his client is sentenced on March 12. The 44-year-old faces a mandatory minimum 25 years in prison and a maximum possible penalty of life.

Outside court, he said he worried that Bout might otherwise end up in isolated conditions at the so-called Supermax prison in Colorado.

"You are, in my opinion, buried alive," he said of the prison.

Dayan said his client has remained strong despite the conditions at the Metropolitan Correctional Center.

"He's very strong. He's very optimistic," Dayan said. "He reads. He writes, studies languages."

Dayan said Bout, if he speaks at all at sentencing, will say he is innocent of the charges.

Bout fought extradition after his March 2008 arrest in a hotel conference room after meeting with two Drug Enforcement Administration informants who posed as officials of the Revolutionary Armed Forces of Colombia. The group has been classified by Washington as a narcoterrorist group.

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