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Imprisoned Arms Dealer Bout Will Be Moved Out of Solitary

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NEW YORK — A federal judge has ordered the Russian arms dealer known as the Merchant of Death to be moved from solitary confinement to a U.S. prison's general population.

Judge Shira Scheindlin ordered the change for Viktor Bout, saying she "cannot simply defer to the warden and abandon my duty to uphold the Constitution" after finding no rational basis for concluding that he poses a greater danger in the prison's general population than other inmates.

She rejected arguments by the government that Bout was a danger after being convicted in November of selling weapons to a U.S. government operative posing as a go-between for South American terrorists who wanted to shoot down American helicopter pilots.

"This case differs significantly from a standard terrorism case," the judge wrote.

She said Bout was approached by government agents posing as members of a terrorist organization and that there was no evidence that Bout had connections to terrorists.

She also dismissed claims by the government that Bout could acquire vast resources to escape or harm people, saying the claims were "simply not supported by any evidence."

Scheindlin also noted there was no evidence that Bout engaged in violent acts or was more than a businessman engaged in arms trafficking.

Bout has been in solitary confinement in Manhattan since being brought to the United States 15 months ago from Thailand, where he had been held since March 2008.

His lawyer, Albert Dayan, challenged the conditions of his detention, complaining that Bout eats, sleeps and washes in a one-man cell and is permitted only one hour of exercise a day. He also gets only one telephone call per month, has no interaction with other prisoners and must be in full restraints when transported.

Scheindlin said she believed that the solitary confinement was an "exaggerated response" to the Bureau of Prisons' concerns about him.

Bout faces a minimum of 25 years in prison when sentenced March 12.

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