The Moscow Times
30 YEARS
INDEPENDENT NEWS FROM RUSSIA

No U.S. Retrial for Russian Pilot Convicted of Drug Smuggling

By The Moscow Times

August 15, 2013

A New York appellate court has ruled against a retrial for Russian pilot Konstantin Yaroshenko, whose conviction on drug smuggling charges became a key factor in Russia's political retaliation against U.S. policies.

A panel of three appellate judges rejected an earlier motion for a retrial in June, but the defense filed another appeal asking the full appellate court to consider the motion.

The latest appeal was rejected on Wednesday and the defense now has 90 days to appeal to the U.S. Supreme Court, but they do not expect their petition to be accepted.

Yaroshenko was arrested in Liberia on May 28, 2010 on suspicion of transporting 4 metric tons of cocaine from Venezuela for eventual sale in the United States.

He was quickly deported to the U.S. and sentenced to 20 years imprisonment in September

2011, which he is currently serving at a federal penitentiary in Fort Dix, New Jersey.

The Russian Embassy in Washington complained to the U.S. State Department in July 2010 that the pilot was arrested and sent to the United States without the proper documentation being sent to Moscow.

Russian Foreign Minister Sergei Lavrov said on July 11, 2013 that Russia will seek to have Yaroshenko returned to Russia to serve his sentence, appealing to the Council of Europe's 1983 Convention on the Transfer of Sentenced Persons, of which Russia and the U.S. are both signatories.

The court refused to consider new arguments presented by the defendant's lawyer last month, which he said prove that the U.S.'s actions abroad violated international law, Itar-Tass reported.

Yaroshenko has serious health problems and has been given "very poor medical care," his lawyer said.

Russian politicians have repeatedly referred to Yaroshenko's case and that of convicted arms dealer Viktor Bout as human rights abuse committed by the U.S. government.

Legal officials and intelligence officers involved in the two trials have been put on a blacklist barring them from entering Russian territory, Rossiiskaya Gazeta reported in January.

The list has widely been viewed as political reprisal for the Magnitsky Act, by which the U.S. banned 18 former Russian officials who were incriminated in the 2009 death of lawyer Sergei Magnitsky from obtaining U.S. visas and holding American bank accounts.

Original url:
https://www.themoscowtimes.com/2013/08/15/no-us-retrial-for-russian-pilot-convicted-of-drug-smuggling-a26793