

Arms Dealer Viktor Bout's U.S. Conviction Upheld

By [The Moscow Times](#)

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NEW YORK — A U.S. appeals court Friday upheld the conviction of Russian arms dealer Viktor Bout for conspiring to kill Americans, rejecting his argument that he was a victim of a "vindictive" prosecution, including the international sting that led to his capture.

In a case that has strained relations between Washington and Moscow, the 2nd U.S. Circuit Court of Appeals said the U.S. government was motivated to pursue Bout by "widespread concern" that he was engaged in criminal activity, reflected by his inclusion in numerous U.S. and United Nations sanctions lists for several years.

It also rejected Bout's contention that his 2010 extradition from Thailand to face the U.S. charges was the illegal result of "intense, coercive political pressure" by the U.S., which he said had no reason to target him.

"The government's enthusiastic or energetic pursuit of Bout, a high-priority criminal target,

does not demonstrate vindictive, or even inappropriate, government conduct," Circuit Judge Jose Cabranes wrote for a unanimous three-judge panel.

Albert Dayan, a lawyer for Bout, said he planned to ask the entire 2nd Circuit to overturn the panel decision.

A spokeswoman for U.S. Attorney for the Southern District of New York, Preet Bharara, whose office handled the prosecution, declined to comment.

Informants

Bout, 46, is serving a 25-year prison sentence after a Manhattan federal jury convicted him on four conspiracy counts in November 2011, following a three-week trial. U.S. District Judge Shira Scheindlin imposed the prison term in April 2012.

Jurors convicted Bout of conspiring to kill U.S. soldiers and other citizens by agreeing to sell arms to U.S. Drug Enforcement Administration informants who had been posing as members of the Revolutionary Armed Forces of Colombia, or FARC.

The U.S. government has designated FARC as a foreign terrorist organization.

Bout was also found guilty of conspiring to acquire and export anti-aircraft missiles and provide material support to a terrorist organization.

"I am surprised that the court sidestepped the most important issues: that you cannot conspire to commit reckless murder and that the government did not establish jurisdiction" over the missile count, Dayan said in a phone interview.

Moscow "Deeply Disappointed"

Bout's arrest in Bangkok in March 2008 triggered a bitter 2-1/2-year battle that culminated in his extradition to the U.S. in November 2010, which Russia opposed.

U.S. prosecutors had sought a life sentence for Bout. Scheindlin said in imposing a 25-year term that it was "unclear that Mr. Bout would have committed the charged crimes" had he not been ensnared in the sting, which spanned three continents.

Moscow on Friday said it was "deeply disappointed" with the 2nd Circuit decision.

"This confirms the absolutely unfair and politicized character of the Bout court case from the beginning to the very end," said Konstantin Dolgov, the Russian Foreign Ministry's human rights representative, RIA Novosti reported.

The report also quoted Dolgov as saying the decision paves the way for Russia to seek Bout's extradition under a 1983 Council of Europe convention.

Bout was the subject of the book "Merchant of Death" and the inspiration for Nicolas Cage's character in the 2005 movie "Lord of War."

The case is U.S. vs. Bout, 2nd U.S. Circuit Court of Appeals, No. 12-1487.

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