

U.S. Judge Hands Bout a Victory

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NEW YORK — Statements made by businessman Viktor Bout to U.S. authorities immediately after his arrest on suspicion of arms smuggling in Thailand in 2008 cannot be used against him at trial, a U.S. judge said.

Bout, who once operated an air cargo fleet, faces charges that include conspiracy to kill U.S. nationals and conspiracy to provide help to a terrorist group. He faces 25 years to life in prison if convicted.

In Wednesday's ruling, U.S. District Judge Shira Scheindlin found that statements Bout made to U.S. Drug Enforcement Administration agents while handcuffed in a Thai jail were induced under threat and could not be used at the trial.

"I find that under the totality of the circumstances, Bout's statements to the American agents were not voluntary," Scheindlin said. "Bout was arrested in a foreign country in a dramatic fashion, featuring more than 15 police officers with drawn weapons, a strip search, and a nonconsensual search of his room in which his computer and personal papers were seized."

Bout was extradited to the United States in November to face trial in a New York federal court.

He had been arrested in Bangkok in March 2008 in a sting operation by U.S. agents posing as arms buyers from the Revolutionary Armed Forces of Colombia, known as FARC and considered by the United States to be a terrorist group.

According to court documents, Bout offered to sell the agents advanced man-portable surface to air missiles, as well as about 5,000 AK-47 assault rifles.

In court documents, prosecutors have accused Bout of dealing arms since the 1990s to dictators and conflict zones in Africa, South America and the Middle East.

Scheidlin said that when authorities arrested Bout, Thai police denied his request for a lawyer and to speak to a Russian Embassy representative. Later, American officers had likely threatened him with the "heat, hunger, disease and rape" of a Thai jail if he did not cooperate with their questioning.

Bout attorney Kenneth Kaplan was pleased with Wednesday's ruling but said the statements in question were not in themselves incriminating. Bout had "not admitted to anything that was charged in the indictment," Kaplan said.

A spokeswoman for the Manhattan U.S. attorney said, "We respectfully disagree with the judge's opinion and plan to request that it be reconsidered."

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