



## Solitary Confinement Is Too Harsh for 'Lord of War' Viktor Bout

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 7:44 AM February 11, 2012

Courthouse News Service on February 10, 2012 released the following:

By ADAM KLASFELD

MANHATTAN (CN) – International arms smuggler Viktor Bout should not face solitary confinement, a federal judge insisted at a combative hearing on Friday afternoon.

A Russian national, Bout was the subject of the nonfiction book "Merchant of Death," and allegedly inspired the Hollywood movie "The Lord of War." For years, he was suspected of arming dictators, despots and warring factions in the Congo, Angola, Sierra Leone and other conflict zones around the world.

Though sanctioned by the United Nations, Bout remained a free man for more than a decade until the U.S. government snared him in "Operation Relentless," a sting operation with undercover informants posing as guerrillas from the Fuerzas Armadas Revolucionarias de Colombia (FARC).

A federal jury convicted him in November, and U.S. District Judge Shira Scheindlin refused to set aside the verdict at a hearing on Thursday.

At that hearing, Scheindlin reportedly criticized the conditions of Bout's imprisonment as "harsh." She convened the Friday afternoon hearing to leave no doubt that those conditions must change.

A Jan. 20, 2011, administration order called for Bout's incarceration in a maximum-security cell of the Metropolitan Correctional Center for 23 hours per day. Adam Johnson, the prison's supervising attorney, said that Bout usually declines the hour per day in which he is allowed to use the recreational

center.

Bout's attorney Albert Dayan says the center is an indoor cell much like his own, in which he cannot interact with the other inmates. Bout's only source of outside air comes from the occasional "crack" to the recreation room's window, Dayan said.

While the prison accommodates Bout's vegetarian diet, Bout says he is only fed oatmeal, peanut butter and beans in a pot.

He can only place a phone call or meet with his family once a month, Johnson said.

Scheindlin told Johnson that he should call Bout's prison conditions by their name.

"Long-term solitary confinement is the way to put it," Scheindlin said, adding that "studies have been conducted" on its effects.

A 2009 New Yorker article titled "Hellhole," explored the movement to define isolation as torture. Psychologists for Social Responsibility have called supermax prisons "cruel, unusual and inhumane" in an open letter opposing the confinement of alleged WikiLeaks source Bradley Manning, before he was transferred from Quantico.

Suzanne Hastings, a warden at MCC, claimed that solitary was necessary to keep Bout from harming the guards, other inmates and himself.

Scheindlin brushed aside that argument, arguing that nothing in the record indicated that Bout was violent or linked to any terrorist organization.

"This is a businessman," Scheindlin said, indicating Bout. "You might not like the business he's in."

That business, the judge pointed out later, was "the arms business."

"This country sells a lot of arms," Scheindlin added.

Though convicted of arming terrorists, the FARC militants that Bout agreed to arm were all undercover government informants.

"I'm familiar with this case, and I can distinguish it from other so-called terrorism cases," Scheindlin said.

Kenneth Kaplan, Bout's other attorney, cited cases in which inmates in the MCC's terrorism unit were ordered into more humane detention.

One, Kathy Boudine, was convicted of felony murder and armed robbery in an operation with the Weather Underground.

Another, Mafia soldier Vincent Basciano, was placed in the section of the prison normally reserved for convicted terrorists until the 2nd Circuit intervened, Kaplan said.

"He was a dangerous guy," Scheindlin said. "Didn't he threaten a judge? I haven't been threatened [by Bout]."

Scheindlin requested that prosecutors and defense attorneys file arguments about her ability to change the conditions of Bout's confinement and judicial precedents for such actions."

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Douglas McNabb and other members of the U.S. law firm practice and write and/or report extensively on matters involving Federal Criminal Defense, INTERPOL Red Notice Removal, International Extradition and OFAC SDN Sanctions Removal.

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# Caribbean Corridor Strike Force Seizes 245 Kilograms of Cocaine, Arrests Two

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 7:34 AM February 11, 2012

The Federal Bureau of Investigation (FBI) on February 10, 2012 released the following:

“SAN JUAN, PR—The U.S. Attorney for the District of Puerto Rico, Rosa Emilia Rodríguez, along with the heads of the agencies that compose the Caribbean Corridor Strike Force (CCSF) announced today the seizure of approximately 119 bricks of cocaine with an estimate weight of 245 kilograms and an approximate street value of \$4.9 million; and the arrest of two U.S. citizens for illegal importation of narcotics.

At approximately 10:40 a.m. on Thursday, a Marine Patrol Aircraft (MPA) assigned to the U.S. Customs and Border Protection’s (CBP) Caribbean Air and Marine Branch (CAMB), crewed by CBP officers and a Puerto Rico Police Department (PRPD) agent, detected a suspicious white fiberglass twin outboard center console vessel traveling eastbound towards Puerto Rico with two persons on board.

A second suspicious vessel; described as a single engine, white fiberglass with light blue trim, with two persons wearing yellow raincoats; was observed in the vicinity traveling westbound towards the Dominican Republic. The proximity within the two vessels suggested a possible transfer of contraband at sea.

A CBP marine interceptor was launched to intercept the vessel reaching it at approximately 10 miles off the coast of La

Parguera in the southwestern coast of the island. Once intercepted, the crew of the suspicious vessel was instructed to set course to the Mayaguez Marine Unit for further inspection. The inspections conducted by CBP’s field operations officers and Border Patrol agents revealed approximately 199 bricks with a white powdery substance that tested positive to cocaine during a field drug test.

U.S. Immigration and Customs Enforcement’s (ICE) Homeland Security Investigations (HSI) special agents took custody of the narcotics and the two individuals for further investigation.

Those arrested, the brothers Elvis Aviles Vega, 46, and Alberto Aviles, 47, were transferred to the Guaynabo, Puerto Rico Metropolitan Detention Center awaiting the outcome of their case. They will have the initial hearing before a magistrate judge on Friday.

“We will continue maximizing all of our combined resources to investigate and prosecute those who in flagrant disregard of our laws and try to smuggle and transport illegal contraband in our jurisdiction,” said U.S. Attorney Rosa Emilia Rodríguez-Vélez.

CCSF is an initiative of the United States Attorney’s Office created to disrupt and dismantle major drug trafficking organizations operating in the Caribbean. CCSF is part of the High Intensity Drug Trafficking Area (HIDTA) and Organized Crime Drug Enforcement Task Force (OCDETF) that investigates South American-based drug trafficking organizations responsible for the

movement of multi-kilogram quantities of narcotics utilizing the Caribbean as a transshipment point for further distribution to the United States. The initiative is composed by the U.S. Attorney for the District of Puerto Rico, ICE HSI, Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), U.S. Customs and Border Protection (CBP), U.S. Coast Guard and PRPD’s FURA.

The case will be prosecuted by Assistant U.S. Attorney Jose Capo Iriarte.”

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Douglas McNabb – McNabb Associates, P.C.’s

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