

Overturn of Montesinos award "almighty blow"

Monday, 21st June 2010 by David Thorley

As a US appeal's court overturns a US\$10 million award for Jose Guevara, the Venezuelan who helped capture Peruvian spymaster Vladimiro Montesinos, lawyers acting for Guevara say the decision marks a 'dangerous precedent' for the way international law enforcement agencies are held to account.

On Friday, a Florida court overturned a lower court's ruling that the Peruvian government must pay US\$5 million plus interest to Guevara, arguing that under US law sovereign governments are protected from lawsuits in the country.

Michael Diaz, of Miami firm, Diaz, Reus & Targ, LLP, says, 'The critical need and ability for law enforcement and government agencies around the world to maintain their credibility to compensate those who are willing to take risks, stepping forward and providing information and cooperation in exchange for a promise of reward money, has taken a mighty blow if this opinion is to stand.'

Peru offered a US\$5 million award in 2001 for the Montesinos' capture, who was wanted on charges of drug dealing, money laundering, arms trafficking, extortion and murder.

Guevara – a former Venezuelan intelligence officer who had agreed to help protect the Peruvian – provided the FBI with details of his location in Caracas, and helped the Venezuelan authorities make the arrest.

According to Guevara, the terms of his deal with the FBI were that he would be given immunity from prosecution for his involvement with Montesinos and would be allowed to collect the reward.

Court rulings in 2008 and 2009 upheld his right to the award, but the appeals court concluded that the case did not meet the requirements for foreign governments to face legal action in the US, and therefore overturned the decision for lacking jurisdiction.

But Diaz Reus partner Carlos Gonzalez says, 'We believe that the facts contained in the record regarding the impact of Peru's offer on the US satisfy the nexus requirement set out in the Foreign Sovereign Immunities Act.'

'We believe that Peru's offer of a reward to anyone, wherever they may be located in the world, matched with Guevara's acceptance of that reward in Miami, communications by Peru's former interior minister, Antonio Ketin-Vidal regarding the reward with US law enforcement agents - in Miami - and the transmission by Guevara of information regarding Montesinos' location, from Miami, among other facts, satisfied the FSIA requirements,' he adds.

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Comments

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