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Thailand Blocks Extradition of an Arms Dealing Suspect

By THOMAS FULLER AUG. 11, 2009

BANGKOK — A Thai court stunned American officials here on Tuesday by rejecting the extradition of Viktor Bout, a Russian businessman who is accused of global arms trafficking.

The United States says Mr. Bout agreed to sell millions of dollars worth of weapons to agents posing as Colombian rebels intending to kill American pilots patrolling in the drug war.

A three-judge panel said that the case did not fall under Thailand's extradition treaty with the United States for two main reasons. One, the country recognizes the rebels — the Revolutionary Armed Forces of Colombia, or FARC — as a political organization, not a terrorist group. Two, on the charge that Mr. Bout was conspiring to kill American citizens, one of the judges, Jitakorn Patanasiri, said, "A Thai court cannot judge a case regarding aliens killing aliens outside of Thailand."

Thai government prosecutors, acting as proxies for their American counterparts, immediately said they would appeal. Mr. Bout would be freed only if an appeal was not filed within 72 hours.

James Entwistle, a diplomat in the United States Embassy in Bangkok, said he was "disappointed and mystified" by the decision. "We think the facts of the case, our extradition treaty and the relevant Thai law all clearly support extraditing Viktor Bout to the United States to stand trial on serious terrorism charges."

Mr. Bout has denied any links to arms trafficking and told the judge during the proceedings earlier this year that he was being held in "extremely inhumane" conditions. He has argued that the undercover agents violated Thai law by apprehending him before calling

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After the ruling was read, Mr. Bout, 42, hugged his wife, and shook hands with his two lawyers. But he said little to reporters in the courtroom. “I’m not allowed to say anything,” he said.

Wearing a soiled prison uniform and leg irons that clanked across the courtroom floor, Mr. Bout hardly fit his accuser’s portrayal of him as one of the world’s most notorious weapons traffickers — or the Nicolas Cage character he supposedly inspired in the 2005 film “Lord of War.”

According to legal papers, Mr. Bout told undercover agents for the Drug Enforcement Administration that he could deliver 700 to 800 surface-to-air missiles, 5,000 AK-47 assault weapons, millions of rounds of ammunition, land mines, C-4 explosives and unmanned aerial vehicles, and that the weapons would be airdropped into the jungles of Colombia “with great accuracy.”

Thai officials say they have come under pressure from Russia, which has asked for custody of Mr. Bout, and the United States over the case. Judge Jitakorn prefaced the reading of the decision with what sounded like an apology: “Today there must be someone happy and someone sad.” The reading took so long — more than an hour — that Judge Jitakorn gestured to Mr. Bout to sit down halfway through.

Mark McDonald contributed reporting from Hong Kong.

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