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THE LONG ARM OF THE LAW

America stings foreign arms and drug traffickers with a powerful narco-terror law

By Julius (Jay) Wachtel. By all accounts [Victor Bout](#) was a self-made man. And when the Soviet Union fell the energetic Russian entrepreneur spied a great opportunity. The dissolution of the USSR had left vast pools of armaments scattered throughout Eastern Europe. None of the newly liberated lands had the resources or interest to continue fielding large armies. With everyone's attention focused on reconstruction, it was the perfect time for a sharp-witted, fearless man to profitably dispose of all the lethal junk laying around. Fortunately, many of those in power were corrupt holdovers from Communist days. Perfect!

Bout was soon one of the world's most prolific arms dealers, supplying warring parties of whatever stripe with everything from pallets of ammunition to assault helicopters. Gunships and missile launchers to Liberia? No problem. Aircraft to the Taliban? No problem. Surface-to-air missiles to the Middle East? No problem. And when the heat was on, like in 2002, when Belgium issued an arrest warrant charging him with money laundering, Bout scrambled back to Russia, where his connections – and perhaps his fortune – made him untouchable.

Witnesses at a [May 2003 Senate hearing](#) testified that many terrorist groups got money to buy weapons by trafficking in drugs. America frequently figured as a seller of the former and buyer of the latter. Examples given included the 2002 arrests, in Houston and San Diego, of representatives of South American and Middle-East terrorist organizations who came to America to buy everything up to and including anti-aircraft missiles, offering tens of millions in cash and drugs in exchange.

Until 2005 there was no authority to snatch foreigners for narcoterror plots conceived and executed outside the U.S. That's one of the oversights that the [Patriot Improvement and Reauthorization Act of 2005](#) sought to rectify. [Title 21, United States Code, section 960a](#), enacted in March 2006, makes it illegal to traffic in drugs, or to attempt or conspire to do so, with the intent to provide "anything of pecuniary value" to terrorists. Subsection (b) extends U.S. jurisdiction to proposed drug deals or acts of terrorism that would violate American law, affect interstate or foreign commerce, or injure Americans or American organizations based overseas. Jurisdiction also attaches whenever one of the perpetrators is American or if "after the conduct required for the

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offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States.”

In other words, should someone get hauled back to the U.S., jurisdiction is automatic. That's a *real* long arm of the law!

In October 2006 Colombian nationals Jose Maria Corredor-Ibague and Carolina Yanave-Rojas (aka Edilma Morales Loaiza) [became the first to be charged under 960a](#). According to the [indictment](#) the defendants manufactured large batches of cocaine and delivered their product to customers in nearby countries by plane. Ultimately the drugs were destined for South America, Europe and the U.S. Earnings in the form of cash, weapons and communications equipment went to the FARC, a designated terrorist organization. Corredor-Ibague and Yanave-Rojas were extradited to the U.S. in 2008. A [2009 journal article](#) mentioned three other 960a cases made during that period. There was [Colombian paramilitary Jimenez-Naranjo](#), who sold cocaine to help support a 9,000-man army, [Khan Mohammed](#), a terrorist planner and Taliban associate who trafficked in opium, and [Haji Juma Khan](#), another Taliban associate who helped fund the group's activities by producing and marketing heroin.

Capturing wily narcoterrorists isn't always simple. In 2005 [Haji Bashir Noorzai](#), a Taliban associate and “global heroin trafficker” was lured to the U.S. by American government contractors, supposedly to instruct Government agents in the fine arts of financing terrorism. His teaching career lasted all of eleven days, when he was arrested and [indicted](#) for narcoterrorism. Whether Noorzai's claim that he never sent drugs to the U.S. is accurate we can't say, but it's true that the contractors had promised him a safe passage home, a fact that troubled both the judge (he called the circumstances of the arrest “unusual to say the least”) and jurors. Noorzai was nonetheless convicted and sentenced to life in prison.

Noorzai will probably be the last foreign drug kingpin to accept a consulting gig in the U.S. Most 960a narcoterror stings now take place in their entirety overseas. DEA has staged them so that they conclude in a country with whom the U.S. has an extradition treaty and friendly relations. In 2007 DEA informers enticed noted Syrian arms trafficker [Monzer al-Kassar](#) and associate Luis Godoy to meet with them in Spain. Fooled into thinking that the snitches were FARC terrorists, Al-Kassar agreed to supply surface-to-air missiles, supposedly to shoot down American helicopters, as well as large quantities of grenades, assault rifles and military-grade explosives.

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Al-Kassar, Godoy and an associate were extradited to the U.S., [indicted](#) on narcoterrorism charges and convicted. Al-Kassar got thirty years and Godoy twenty-five, in effect life sentences as both men were in their sixties.

It's hard to work up sympathy for drug and gun traffickers. Sometimes, though, lesser figures get trapped in the wake. [Tareq Mousa al-Ghazi](#), who was charged along with al-Kassar and Godoy, protested that all he did was introduce the informers to al-Kassar. "Here, the government itself created the associations, agreements and crimes that it has prosecuted," said al-Ghazi's lawyer. "Absent the D.E.A.'s involvement, nothing in the indictment would ever have happened." Obviously, [the Justice Department disagrees](#). "It's hard to imagine," said a prosecutor, "that it would shock the conscience for the government to proactively investigate those outside the country who they believe are ready and willing to harm Americans and to harm American interests."

So what happened to Victor Bout? In March 2008, at the end of an investigation that included clandestine meetings in the Netherlands Antilles, Denmark and Romania, [authorities in Thailand arrested the notorious arms trafficker](#) and an associate, Andrew Smulian, for offering to sell weapons to the FARC; actually, to DEA informers who were pretending to be members of FARC. Bout and Smulian were extradited to the U.S. in November 2010. Smulian pled guilty and is cooperating with authorities. Bout faces two indictments. One charges [a narcoterrorism conspiracy](#). A more recent indictment alleges that Bout and American co-conspirator Richard Chichakli [laundered money and violated international prohibitions](#) against funneling arms to Africa.

It's hard to work up much sympathy for these characters. Still, a pair of law review articles suggest that unless targets are carefully selected, 960a may allow U.S. authorities to cast too wide a net, snaring foreigners whose conduct does not threaten U.S. interests (click [here](#) and [here](#).) Indeed, 960a is so loosely worded that a terror nexus could be established by simply getting a target to say they hate Americans, or by having informers pretend to be terrorists intent on destroying America.

That, claims Bout, is exactly his predicament. Now, thanks to the wonders of the Internet, you can read his side of things. Be sure you have plenty of hankies, then click [here](#) for his home page. Yes – the man has a website. And no, we're *not* kidding!