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United States Mission to the OSCE

Response to Russia on Certain Russian Citizens in Prison in the United States

As delivered by Ambassador Daniel B. Baer
to the Permanent Council, Vienna
April 7, 2016

The United States mission received the Russian-language version of this statement yesterday evening, and haven't had time to fully consider it, and so I'd like to reserve the right to respond to Russia's allegations in a future Permanent Council meeting. But I want to take this opportunity to clarify a few facts and to draw a distinction between the facts and the fiction that has been presented today by Russia, and to expose some of the fallacies from that presentation.

First, regarding Konstantin Yaroshenko, here are the facts: officials from the Republic of Liberia National Security Agency arrested Yaroshenko on May 28, 2010. The Government of Liberia subsequently issued an expulsion order, and Liberian officials transferred custody of Yaroshenko to the U.S. Drug Enforcement Agency (DEA) on May 30, 2010. The DEA then transported Yaroshenko to the United States along with four other individuals also under indictment.

Second, regarding Russia's assertion that Yaroshenko was beaten and tortured after his arrest: the fact is that Yaroshenko was fed, permitted to bathe, and allowed to sleep while detained by Liberian authorities during the 48 hours he spent in their custody. On three to four occasions during that period, he was observed by U.S. officials who swore affidavits that he did not appear to have been tortured and was observed both eating and sleeping. On May 30, 2010, Yaroshenko was photographed and physically examined by U.S. officials shortly before the United States accepted custody from Liberia. Neither the photographs nor the examination showed signs of torture. On May 31, 2010, after he was in the United States, Yaroshenko completed a Federal Bureau of Prisons medical intake form. He indicated that he was not suffering from any painful conditions or injuries, although he did cite his medical history in Russia. No medical or dental record of Yaroshenko generated since his arrival in the United States substantiates his claims of torture or beatings. Regarding his current health condition, at this time I am not permitted to discuss in detail medical and health issues due to U.S. privacy laws, but I can tell you this: Mr. Yaroshenko, who speaks English, regularly sees doctors and has voiced no complaints through official channels. Russian consular officers last met Yaroshenko on October 26, 2015, and his attorney met him on December 20.

Moving to arms dealer Victor Bout, the facts of his case are as follows: Mr. Bout was arrested in Thailand in 2008. He was tried in a court of law, in New York, in November 2011, and afforded due process. Mr. Bout was convicted of conspiracy to kill U.S. citizens and officials, attempting to acquire and use anti-aircraft missiles, and of providing aid to a terrorist organization – the Revolutionary Armed Forces of Colombia (FARC). In April 2012, he was sentenced to 25 years imprisonment and is currently in the U.S. Penitentiary in Marion, Illinois. His appeal was denied in 2013.

Thank you, Mr. Chair.