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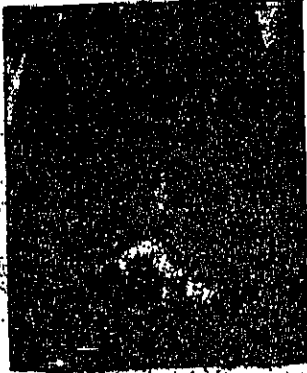
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COURTESY OF ROBIN WILLIAMS



10000 years, James Williams, a US citizen, has been in an Ecuadoran jail since 1996. He trusts he's done no wrong.

AWAITING TRIAL American's Two Years In Latin Jail

By Warren Richey
Staff writer of The Christian Science Monitor

MIAMI

A FISH importer from Jacksonville, Fla., has been held in a prison in Ecuador without trial for nearly two years in what he says began as a campaign by FBI agents to pressure him into testifying against a suspected drug trafficker.

In the United States such punishment without due process of law would be a violation of constitutional rights. But James Williams is not in the United States. And US officials say they have no intention of interfering in the sovereign workings of the Ecuadoran justice system.

International law experts say Mr. Williams is stuck in a kind of constitutional twilight zone, where American drug agents working behind the scenes through Ecuadoran proxies could do almost anything they want to increase the pressure on an imprisoned US citizen.

"It comes down to this issue: Whether the US government can prompt foreign governments to do things that the fourth, fifth, and sixth amendments [to the US Constitution] would forbid our government from doing," says Christopher Blakesley, a law professor at Louisiana State University in Baton Rouge. "They think that now the way they can resolve all the constitutional problems

they face is to get foreign countries to do their dirty work."

The Drug Enforcement Administration (DEA) and federal prosecutors deny any wrongdoing. They insist Williams's situation in Ecuador is the result of independent actions taken by Ecuadoran officials without US involvement. In a November 1987 letter to a member of Congress, DEA chief Thomas Constantine wrote in part: "The investigation itself was conducted unilaterally by the Ecuadoran National Police Narcotics Division."

Court documents tell a different story. A letter found in a court file by Williams's lawyer suggests the DEA requested the Williams investigation and his eventual arrest in Ecuador. And a State Department report acknowledges that the investigation was conducted with US assistance.

Mr. Constantine insists that the DEA letter was written simply in response to a request by Ecuadoran officials for information about Williams.

'It is really some high-handed and pretty scary behavior on the part of the US government.'

- Joseph McNamara

The case raises fundamental questions of how much due-process protection Williams should get. In 1957, the Supreme Court ruled that constitutional protections under the Bill of Rights apply when US citizens face US government law-enforcement action in foreign countries.

"When the government reaches out to punish a citizen who is abroad, the shield which the Bill of Rights and other parts of the Constitution provide to protect

his life and liberty should not be stripped away just because he happens to be in another land," the ruling says in part.

Experts say the Williams case takes the issue into a new area — one the court hasn't addressed. "What rights does an American citizen have when a foreign jurisdiction has acted at the behest of the United States? The answer is none," says Wilmer Parker, a defense lawyer in Atlanta and a former federal prosecutor.

Origins of the case

Williams's ordeal began in April 1996, when he was contacted by FBI agents seeking his testimony. The agents told him that one of his fish suppliers in Colombia, José Castrillon, was a drug trafficker. They wanted Williams to testify against him.

Williams said that as far as he knew, Mr. Castrillon was a legitimate fish seller. He said he had no knowledge of drug trafficking or any other illegal operations.

The agents didn't believe him. Williams invited the agents to investigate his business, including the traceable wire transfers used in all his financial dealings with Castrillon. He turned over more than five boxes of business records, according to his lawyer.

By July 1996, Williams hadn't heard from the FBI and wanted to finish a pending project in Ecuador. His lawyer checked with the FBI and was told that the bureau had no objection to Williams traveling to Ecuador.

A month later, on Aug. 14, 1996, a DEA agent based in Ecuador wrote a letter to Ecuadoran counter-narcotics officials in which he identified James Williams and five other men as being members of a "narcotrafficking organization." The letter does not say Williams is a suspect, rather it says that investigations have "established" his membership in the criminal organization. No specific evidence is offered. The letter concludes

with a request that Williams and the others be investigated "and steps be taken, as the case may require, for the purposes of dismantling this international drug-trafficking organization."

When Williams arrived in Ecuador in September 1996, he assumed the FBI had investigated him and that he was free to continue conducting his fish business. But within days of his arrival, he was arrested by Ecuadoran narcotics policemen. He says he was interrogated for three days before anyone was allowed to see him.

Two weeks after his arrest, Williams's lawyer in the US, Isaac Mitrani, says he received a call from an FBI agent. The agent wondered if Williams was ready now to cooperate, and if so, federal agents could help him get out of prison in Ecuador. Williams refused, saying all he wanted to do was tell the truth.

Mr. Mitrani says the FBI called back a month later, this time saying that Panama would soon file charges against Williams, and if necessary, try him in absentia. If he was inclined to cooperate, now was the time to do it, the agent said, according to Mitrani. Charges were eventually filed in Panama against Williams, but in late June a Panamanian judge threw them out for lack of evidence.

Meanwhile, Williams remains imprisoned in Ecuador.

The DEA works closely with Ecuadoran antinarcotics officials. Human-rights workers familiar with the political situation say US officials actually helped draft Ecuador's tough antidrug law, which, for example, prohibits bail for anyone like Williams who is

arrested in a narcotics case.

In addition, US drug agents are well aware of the conditions that an American or any other suspect would face once arrested in Ecuador. A US State Department human-rights report released earlier this year paints a sober picture:

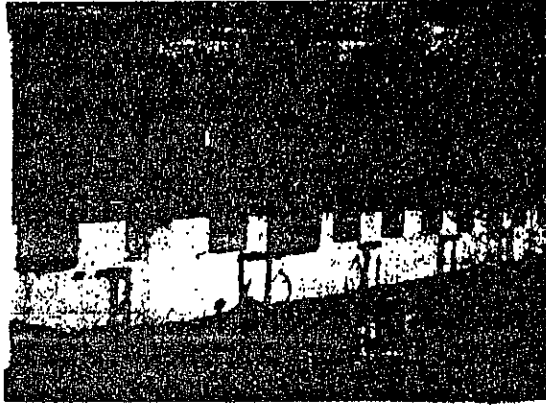
• "The most fundamental human-rights abuse stems from shortcomings in the politicized, inefficient, and corrupt legal and

money launderer. But it cites no specific illegal acts by Williams.

Prosecutors declined to discuss the evidence against Williams. There is no legal requirement that the evidence presented to the grand jury be disclosed in an indictment.

If he is convicted of the US conspiracy charges, Williams faces up to life in prison and \$4 million in fines. In Ecuador, he faces roughly eight years in prison if convicted.

In an interview conducted by telephone from prison, Williams says he wants only one thing — the chance to defend himself in a US courtroom. He says he is confident that once a US jury hears all the evidence in his case, he will be acquitted. "All Robin and I have ever asked for is an opportunity to present the truth. It can't happen here [in Ecuador]. I will be condemned here without any proof or



PRISON LIFE: James Williams awaits trial in this Ecuador jail. He has been in prison since 1996 and says the US is pressuring him to testify against a suspected drug dealer.

judicial system. People are subject to arbitrary arrest; once incarcerated, they may wait years before being convicted or acquitted unless they pay bribes."

• "Those [judges] charged with determining the validity of detention often allowed frivolous charges to be brought, either because they were overworked or because the accuser bribed them. In many instances, the system was used as a means of harassment in civil cases in which one party sought to have the other arrested on criminal charges."

• "Police continue to physically mistreat suspects and prisoners, usually with impunity... Victims reported that the police beat them, burned them with cigarettes, applied electric shocks, or threatened them psychologically."

Going it alone

Instead of cooperating with the FBI and accepting FBI help to get out of Ecuador, Williams attempted to fight back. He hired a lawyer in Ecuador. He set up a Web site to publicize his plight. His wife, Robin, appealed to members of Congress.

The campaign gained some momentum in Washington, but never got close to sparking oversight hearings in either the House or Senate judiciary committees. A further setback for Williams and his supporters came on June 1, when federal prosecutors in Tampa unsealed a superseding indictment of Castrillon that named Williams as a co-conspirator. The indictment says Williams acted as a cocaine smuggler, cocaine distributor, and

evidence," Williams says.

Williams says he believes he was indicted because his case was beginning to attract interest among some members of Congress. Federal prosecutors say his indictment was the decision of a federal grand jury.

At first, Williams says, he and his supporters welcomed the indictment because they thought he would be returned to the US to stand trial with Castrillon. But prosecutors in Tampa say that Williams must complete his Ecuador case before being returned to face the US charges.

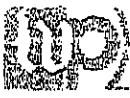
As a result of his ordeal in Ecuador, Williams has been imprisoned since September 1996. He has lost his business, his life savings, and a significant portion of his extended family's life savings. He is yet to be arraigned in a US court of law.

"It is really some high-handed and pretty scary behavior on the part of the US government," says Joseph McNamara, a research fellow at the Hoover Institution and a former police chief.

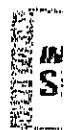
Williams's supporters say even if he ever gets his day in US court, he may be unable to pay for an effective defense.

"In my opinion they don't want me back in the United States right now because I don't know anything that would hurt Castrillon, and there is a good possibility that I might say something that could help Castrillon," Williams says.

"All we are asking is to bring him home and give him his right to constitutional protections and a fair trial," says Mr. Mitrani.



Washington Post.com Home Register



\$20M of Aid to Ecuador Suspended

By George Gedda

Associated Press Writer

Thursday, March 16, 2000; 4:21 AM

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WASHINGTON — Rep. Sonny Callahan is suspending almost \$20 million in aid to Ecuador in hopes of prodding authorities there into speeding the appeal process of a Florida man who is serving an eight-year prison term on a money laundering conviction.

Callahan, R-Ala., chairman of a House subcommittee responsible for foreign aid, is using his clout on behalf of James Williams, who waited more than two years after his 1996 arrest to be tried and now has waited more than a year for his appeal to be heard by the Ecuadorian Supreme Court.

At the time of his arrest in September 1996, Williams, 53, ran Caribbean Fisheries. He bought fish from small packing houses in Latin America and sold them to restaurant wholesalers in the southeastern United States.

His wife, Robin, said in a telephone interview Wednesday from Jacksonville that the experience has led to their "financial destruction." She said her husband is forced to pay bribes for favors and is forced to live "in the most unsanitary conditions imaginable" at the Guayaquil prison.

Ms. Williams, who has traveled to Ecuador 15 times since his arrest, maintains that her husband has done nothing wrong.

Explaining his decision to suspend the assistance, Callahan said, "For some time, I have been very concerned about the slow pace with which Ecuador has afforded an American citizen due process in its judicial system. My hope would be

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Colombian who is awaiting trial in Florida on drug charges.

Isaac Mitrani, Williams' lawyer, expressed hope that Ecuador will release him shortly so he will have the chance "to have all of the facts presented to an unbiased tribunal in the United States."

Among other flaws in Williams' December 1998 trial, he was not allowed to confront his accusers, Mitrani said.

Rep. Corrine Brown, a Democrat who represents Williams in Congress, said his case has been one of the most frustrating she has encountered as an elected official.

"For three years I have been unsuccessful in my attempts to seek a fair judicial proceeding for Mr. Williams, both in Ecuador and in the United States. ... I am hopeful that someday, Mr. Williams will receive the due process he deserves."

Brown has visited Ecuador three times to assist Williams. Five other lawmakers and former President Carter have gone to Ecuador and raised the issue with government officials.

At the time of his arrest in September 1996, Williams ran Caribbean Fisheries. He bought fish from small packing houses in Latin America and sold them to restaurant wholesalers in the southeastern United States.

Williams' wife, Robin, said Wednesday in a telephone interview from Jacksonville that Castrillon was one of his 22 suppliers. She maintains that Castrillon's fishing business activities, in contrast to his alleged drug dealing, were legitimate.

She has maintained for years that her husband's arrest in Ecuador was sought by the U.S. Drug Enforcement Administration, an allegation denied by DEA officials.

Mrs. Williams, who returned this week from her 15th visit to Ecuador, said her husband's 3½-year incarceration has been a "frightful situation" that has led to their financial destruction.

She said she and other family members have to provide him with clothing, money, food and toiletries because the prison "provides nothing for inmates."

"This prison is a death sentence," she said. "Jim has watched people die because they can't get out for treatment."

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Guayaquil Journal

American in Drug Abyss: Guilty? Who Knows?

By DIANA JEAN SCHEMO

GUAYAQUIL, Ecuador — It was late on a hot September night last year when the police descended on the elegant Oro Verde Hotel here. James Gordon Williams, an American fish importer whose moves were drawing more interest than he knew, walked past them and sank into one of the lobby's overstuffed bamboo chairs, puzzled because so nobody had just phoned his room and mysteriously hung up.

Turning from the front desk, one of the policemen recognized the American. A moment later, the officers were searching his room for drugs or evidence of drug associations.

They found nothing, recalled a bellhop who watched, but they hustled Mr. Williams off to the Modelo Prison. Also taken there were 15 of his friends and business associates — most of them from Colombia and Ecuador — who were rounded up that night on charges that they had used a local fish processing plant to smuggle drugs and launder millions of dollars for the Cali drug ring.

Thus Mr. Williams, suspected of skating along the rim of the drug underworld, tumbled into the Ecuadorian system of justice and punishment, where he now languishes, having watched the sudden disintegration of the protections he once thought came with his United States passport.

Mr. Williams and his associates are being held in what is called preventive detention on charges they smuggled drugs and laundered money through their fish processing plant. They deny doing anything illegal and a trial is not likely for at least another year. So it is impossible for an outsider to gauge Mr. Williams's guilt or innocence. Still, his case is



Robin Williams with her husband, James, in the prison in Guayaquil where he and 15 friends and associates are being held on drug charges.

and three-judge panel. A court date often takes six months.

Early in his imprisonment, Mr. Williams undertook to document what goes on in this world, as part of a strategy for gaining public sympathy by discrediting the system that is discrediting him and his associates.

They have used their prison as a microcosm, collecting data on the 2,700 inmates, 80 percent of whom have yet to be sentenced. They said they found that the average waiting

guy," drawn to the ocean solely by his love of the sea.

American and Colombian anti-drug agents see Mr. Castriñón quite differently — as a major drug smuggler and the chief of money laundering operations for the Cali ring. Much of the illicit trade, they believe, is carried in fishing boats.

American diplomats deny any United States role in the arrest of Mr. Williams, but his lawyers say that since his incarceration F. B. I. agents have offered to help him get free if he will cooperate.

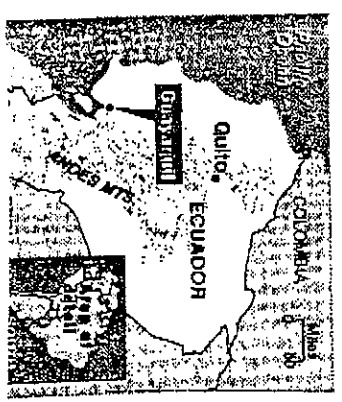
His case can be dated to April 1996, when Mr. Castriñón was seized in Panama shortly after drug agents found 12.5 tons of cocaine on board a fishing boat called the Yatalle 1. Five days later, F. B. I. and Drug Enforcement Administration agents visited Mr. Williams at his home in Jacksonville Beach, Fla. They had been tapping his phone for four years and following him for two. Mr. Williams recalls them saying, and they wanted him to help them establish Mr. Castriñón as the boat's owner.

Mr. Williams said he knew the Colombian only as an avid fisherman, but the F. B. I. did not believe him. It subpoenaed business records, but did not arrest him.

The Ecuadorians did, though — three days after Mr. Williams arrived here to visit the fish processing plant, called Rica Pesca.

Since his arrest, F. B. I. agents have repeatedly contacted one of his lawyers, urging Mr. Williams to testify against Mr. Castriñón, the lawyer, Isaac Mitrant, said. "They said, 'Now he's in jail, and we can be very helpful, but he's got to cooperate,'"

Mr. Mitrant said. Brian Kenseel, the F. B. I. spokesman in Tampa, said he could not



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Mr. Williams also contends that his case shows how American agencies can turn the harshness of foreign legal systems to the advantage of the United States in its chosen role as leader of the war on drugs. The heart of his argument is that the United States is using Ecuador as a worded to coerce cooperation from him in testifying against a friend, José Castrillo Henao.

Human rights groups here and Government investigations have already scrutinized the system into which Mr. Williams fell, finding that it includes judges who demand payoffs simply to throw a case forward trial, defendants found not guilty who remain in jail, and so on.

One statistic says that some 60 percent of Ecuadorian inmates are eventually found not guilty. But even then they are not free to go. Their activities must be confirmed by a sec-



Robin Williams with her husband, James, in the prison in Guayaquil where he and 15 friends and associates are being held on drug charges.

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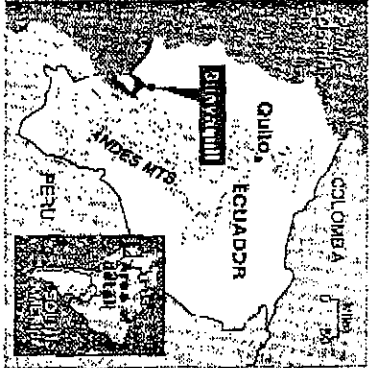
Early in his imprisonment, Mr. Williams undertook to document what goes on in this world, as part of a strategy for gaining public sympathy by discrediting the system that is discrediting him and his associates.

They have used their prison as a microcosm, collecting data on the 2,700 inmates, 80 percent of whom have yet to be sentenced. They said they found that the average waiting time for trial is over 400 days.

Their findings broadly conform to those of human rights groups, which have also found that nearly half the country's prison population is being held on drug-related charges — an unusually high figure.

Among Ecuador's drug laws is one against illicit association, under which anybody who happens to be with a suspected drug offender on his arrest may be locked up as well. And in drug cases, unlike any others, suspects can be convicted on the police report alone, without corroborating evidence.

Mr. Williams and his co-defendants said they had been hauled up for bribes several times by people claiming to represent the judge in their case — with figures mentioned between \$40,000 and \$2.5 million. Mr. Williams said he was afraid that paying a bribe would be an admission of guilt and that the volatile politics in Ecuador — where the elected President was ousted through popular protests this year —



Most prison inmates in Ecuador are eventually found not guilty.

meant a bribe could easily misfire. In the penitentiary, petty corruption is everywhere: for a visitor who made recent trips to see Mr. Williams, each step meant bills pressed into half-closed palms.

In Mr. Williams's second-floor room, a picture of his wife, Robin, scanned into the computer, smiles at him from the screen. Below lies the true inferno, where throngs of prisoners wait in a yawning unit corridor for their families and girlfriends on visiting days. On one such day, a young inmate circled with a fishing net draped over him. Circling in the same spot, he tore half-heartedly at the net and in a few minutes, unable to escape his inner prison.

Mr. Williams also maintains the innocence of Mr. Castrillo, whom he called "a James Cameron friend of

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Brian Kinsel, the F. B. I. spokesman in Tampa, said he could not comment on Mr. Williams's recusation, since no court papers were filed by the Tampa office. But he said: "Our authority stops at our borders. Whatever charges Mr. Williams faces they are with local authorities." In Washington, the Drug Enforcement Administration made a similar statement.

While acknowledging problems in Mr. Williams's treatment, James Curt's Strible, the American Embassy's deputy chief of mission, said he knew of no case in Ecuador in which judicial deadlines were respected. Asked if Mr. Williams's experience was not a cautionary lesson for Americans who could easily be looked wrong in drug exporting countries, Mr. Strible thought a moment and shook his head. There were lessons to be drawn, he said, but not that one. He would not elaborate.

Mr. Williams says he has not given up. "I came here as a white Anglo-Saxon, knowing that right would prevail," he said. "Not that I think it should prevail, but knowing that it