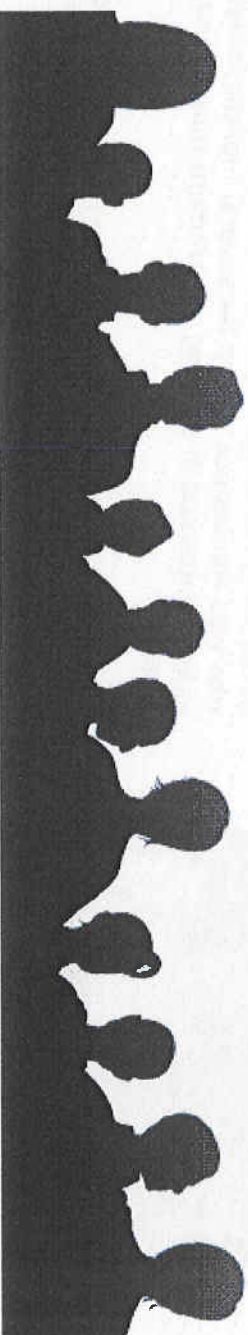


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U.S. Judge Denies Peruvian Government's Last Defense in \$5 Million Reward Case



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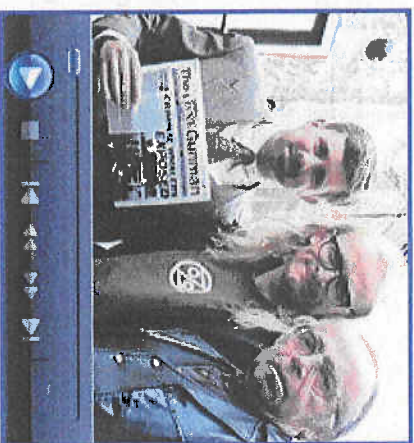


By AmericasNewsToday.Org staff

On Friday [11-07-08] in Miami, U.S. District Judge Marcia Cooke rejected Peru's attempt to avoid paying a \$5 million reward to Jose Guevara, a Venezuelan man who helped Peru capture its fugitive spymaster Vladimiro Montesinos in 2001.

In throwing out the last Peruvian counterclaims, Cooke reaffirmed her September 9th summary judgment that the government of Peru owed Guevara the reward money. She also set a

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December trial date for Guevara's suit against two of Peru's former Ministers of the Interior, the last remaining component of the case, according to Guevara's attorneys, Michael Diaz and Carlos Gonzalez of Diaz Reus & Targ LLP, in Miami.

"After a long, arduous fight, Guevara and his family are now one step closer to receiving the promised reward," said Diaz, referring to Cooke's ruling. "This is a precedent-setting case in international litigation in this post 9/11 era, where countries routinely make reward offers for the capture of terrorists, political figures and drug dealers."

In 2001, Guevara filed to claim the widely publicized reward for providing crucial information that led directly to the arrest of Montesinos, who is now on trial in Peru on a long list of charges related to arms trafficking, drug dealing, money laundering, extortion and murder while he headed Peru's National Intelligence Service in the 1980s.

However, the Peruvian government reneged on its reward offer and since then, Peru's legal team has used a variety of tactics in its efforts to avoid payment. However, Guevara's claim has withstood all those challenges, said Gonzalez, who noted that the decision represents a dual victory for Guevara and the community-at-large.

"By enforcing Peru's promise to pay Mr. Guevara \$5 million, the U.S. courts have recognized the basic principle that a party will be held to its word," he said. "If a government or a governmental entity is going to offer a reward in exchange for information that it cannot otherwise obtain on its own, then it must be prepared to pay that reward."

In her Nov. 7th decision, Cooke rejected counterclaims by the Peruvian government that Guevara, who was Montesinos' guard for several months in Venezuela, had stolen funds from that nation, aided Montesinos in stealing government money and enriched himself at the government's expense.

"Guevara never received any money from the defendants directly," said Cooke in her ruling. "There was no evidence for conspiracy or aiding and abetting the conversion of funds. There was no evidence of a benefit to Guevara."

Seven years ago, Guevara filed his suit in the U.S. to claim the reward. The Peruvian government then sought to dismiss the case under the Foreign Sovereign Immunities Act (FSIA), which protects foreign governments from U.S. lawsuits. Diaz and Gonzalez argued that by offering a reward, Peru had engaged in "commercial activity," which is an exception to the FSIA.

On November 1, 2006, the U.S. Court of Appeals for the 11th Circuit upheld Guevara's position and ruled the case could continue in the U.S. The Peruvian government then filed a series of counterclaims, which were dismissed in Cooke's summary judgment.

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Looking ahead, Diaz said, "I am not sure when Mr. Guevara will be paid, given the recent resignation of Peru's entire Presidential Cabinet for allegations of corruption and kickbacks, but at least they now know the U.S. judicial system is not a place for them to seek refuge from their legal responsibilities."

Miami-based Diaz Reus & Targ LLP is a full-service international law firm with offices in Latin America, Europe, Asia and the Middle East. The firm's lawyers focus on international trade and business transactions and complex commercial, civil, and criminal litigation and arbitration matters.

Editorial

Vladimiro Montesinos was the long-standing head of Peru's intelligence service, Servicio de Inteligencia Nacional (SIN), under President Alberto Fujimori. In 2000, secret videos were televised revealing him bribing an elected congressman to leave the opposition and join the Fujimorist side of Congress; the ensuing scandal caused Montesinos to flee the country, hastening the resignation of Fujimori. Subsequent investigations revealed Montesinos to be at the centre of a vast web of illegal activities, including embezzlement, graft, gunrunning, and drug trafficking, for which he is currently being tried.

Montesinos first came to public notice when he defended Fujimori, then an obscure candidate in the 1990 Peruvian presidential elections, against accusations of fraudulent real estate dealings. The paperwork in that case mysteriously disappeared and the charges were quietly dropped. After Fujimori won the election on July 28, 1990, Montesinos became his chief advisor and the effective head of the SIN.

During the Fujimori years, Montesinos gained extensive control of the media in Peru. By the end of 1999, Montesinos had editorial control over TV Channels 2, 4, 5, 9, and 13. TV Channel 7 was already state-owned. One of the country's two cable channels, Channel 10 had been secretly purchased by the armed forces. That left just one independent station in Peru: Channel N, a twenty-four-hour cable news outlet that reached barely 5% of the population.

On the Web:

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