

Original

UNITED STATES GRAND JURY
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

September '08 Special

- V -

RICHARD AMMAR CHICHAKLI
a/k/a "ROBERT CUNNING,"
a/k/a "RAMAN CEDOROV"
VICTOR ANATOLYEVICH BOUT
a/k/a "VICTOR BUT",

Defendants.
-----X

United States Courthouse
500 Pearl Street
New York, New York

August 27, 2009
10:20 a.m.

APPEARANCES :

JENNA DABBS, ESQ
Assistant United States Attorney

CHRISTIAN EVERDELL, ESQ
Assistant United States Attorney

JOWELL MARIE FALSETTA
Acting Grand Jury Reporter

ZACHARIASIEWICZ
3507-D

GRAND JURY
EXHIBIT

3

10-20-09



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New York, NY 10119

1 Zachariasiewicz 8/27/09
2 (Colloquy Precedes.)
3 (Witness enters room.)
4 (Time noted: 10:20 a.m.)
5 R O B E R T Z A C H A R I A S I E W I C Z ,
6 Called as a witness, having been duly sworn by
7 the Foreperson of the Grand Jury, testified as
8 follows:
9 BY MS. DABBS:
10 Q. Good morning.
11 A. Good morning.
12 Q. Would you please state and spell
13 your name for the record.
14 A. Special Agent Robert
15 Zachariasiewicz,
16 Z-A-C-H-A-R-I-A-S-I-E-W-I-C-Z.
17 Q. Where do you work?
18 A. I work for the Drug Enforcement
19 Administration in the special operations
20 division and please feel free to use Zach.
21 Q. How long have you worked for the
22 special operations division?
23 A. In excess of six years.
24 Q. Do you have a particular title
25 with special operations or SOD?



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2 A. I'm a special agent in our
3 bilateral investigations unit, narco
4 terrorism group.

5 Q. What kinds of cases do you
6 investigate?

7 A. We investigate transnational
8 criminal organizations that are engaged in
9 drug trafficking and other crimes, drug
10 trafficking to support terrorism-based
11 organizations.

12 Q. Have you been involved in that
13 capacity in an investigation of Victor Bout?

14 A. I have.

15 Q. How did you become involved in
16 that investigation?

17 A. Victor Bout came up in several
18 other investigations that I conducted, so
19 started taking a little better look at him
20 and we were able to involve a confidential
21 source, I'll call confidential source one,
22 who had access to -- had known Bout in the
23 past and had access to people who were close
24 to Bout.

25 We got with source one and had him



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2 contact an associate of Bout named Andrew
3 Smulian and propose that source one had met
4 some Latin American businessmen slash drug
5 traffickers who were working for the FARC and
6 they were loaded with cash and were looking
7 for weapons. It was a good business for them
8 to engage in and there would be a lot of
9 money to be made.

10 Q. Before I ask just a few more
11 specifics about the deal that was arranged,
12 what did you learn about Victor Anatolyevich
13 Bout that caused you to think that this was a
14 business deal appropriate to propose?

15 A. I learned that Victor Bout is
16 the largest or at least one of the largest
17 arms traffickers in the world. He deals with
18 conflicts all over the world on every
19 continent including Columbia and the FARC.

20 He had become such a large arms
21 trafficker because not only did he have
22 access to enormous arsenals of arms from
23 Eastern Europe, he had amassed a massive
24 network of airplanes. So he was the largest
25 because he could move arms anywhere in the



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2 world. He had his own planes. He could move
3 stuff to any corner of the world where anyone
4 needed it, which is where a lot of the
5 terrorist organizations and transnational
6 criminal organizations reside.

7 Q. You referred to the FARC.

8 Can you describe for the Grand Jury
9 what the FARC is?

10 A. The FARC is a Leftist, marksist
11 terrorist organization based in Columbia.
12 They have been at war with the government of
13 Columbia for several decades and their aim is
14 to overthrow the government of Columbia and
15 install a communist regime.

16 Q. Can you describe just in general
17 terms what transpired during the
18 investigation, picking up from where you left
19 off with the introduction of that
20 transaction?

21 A. Yes, ma'am. Source one
22 contacted Smulian as I instructed and Smulian
23 was very interested in the proposal. Via
24 e-mails he said he would contact the boss.
25 This was in approximately December of '07.

1 Zachariasiewicz 8/27/09

2 Within two days he had an answer back and
3 e-mailed the source back covertly saying that
4 the boss was very interested and anything is
5 possible with agricultural equipment. In the
6 arms trafficking world, very often it is
7 referred to as farming equipment.

8 Q. I'm sorry, what is referred to
9 as farming equipment?

10 A. The arms themselves, so the
11 conversation are in codes, so it won't be
12 clear that they are speaking of arms.

13 Q. What sort of arms were being
14 discussed in connection with this particular
15 transaction?

16 A. Heavy military-grade equipment,
17 everything from AK 47s and ammunition for
18 them to missiles that are used to shoot down
19 aircraft.

20 Things progressed very, very quickly.
21 There was a face-to-face in the Caribbean
22 with Smulian end of January, early February.
23 The meeting went very well and Smulian went
24 back and met with Bout in Russia and came
25 back and told source one and the two



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undercover sources working for us. We had two undercover sources working for us that were posing as actual FARC representatives that would be source two and source three.

Source one and source two and source three all met with Smulian in the Caribbean. Smulian went back and met him in Russia and then Smulian came back and told them that the boss was very interested and wanted to meet personally to solidify the deal.

We tried for several weeks to try to get him to Romania. But it turns out he had been tipped off and told it was not safe for him to go to Romania. So in the end he agreed to meet source two and source three in Thailand to finalize the negotiations.

Source one, two and three met with Smulian and Bout at a hotel, a five-star hotel in Bangkok, Thailand in March of 2008 and we recorded the meeting and Bout was arrested immediately thereafter.

Q. When Bout was arrested was any evidence seized from him?

A. A great deal of evidence was

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2 seized, documents, notes that he drafted
3 during the meeting showing the routes that
4 his aircraft would take to deliver the goods
5 to the FARC, et cetera and most significantly
6 his laptop computer.

7 Q. In general terms what is the
8 status of the pending charges against
9 Mr. Bout?

10 A. For a variety of reasons the
11 people in Russia do not want him to come here
12 and they are fighting, doing their best not
13 to have him extradited. And we are working
14 with the government of Thailand right now to
15 extradite him to the United States.

16 MS. DABBS: May the witness be
17 temporarily excused.

18 THE FOREPERSON: Yes.

19 (Witness temporarily excused.)

20 (Colloquy Follows.)

21 (Time noted: 10:45 a.m.)
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C E R T I F I C A T E

I, Jowell Marie Falsetta, hereby
certify that the foregoing is a true
and accurate transcript, to the best
of my skill and ability, from my
stenographic notes of this proceeding.

Jowell Falsetta

Acting Grand Jury Reporter



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