## **Original**

## UNITED STATES GRAND JURY SOUTHERN DISTRICT OF NEW YORK

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.

United States Courthouse 500 Pearl Street New York, New York

August 27, 2009 10:20 a.m.

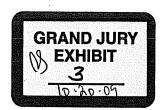
## APPEARANCES:

JENNA DABBS, ESQ Assistant United States Attorney

CHRISTIAN EVERDELL, ESQ Assistant United States Attorney

JOWELL MARIE FALSETTA Acting Grand Jury Reporter

> ZACHARIASIEWICZ 3507-D







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

- A. I'm a special agent in our bilateral investigations unit, narco terrorism group.
- Q. What kinds of cases do you investigate?
- A. We investigate transnational criminal organizations that are engaged in drug trafficking and other crimes, drug trafficking to support terrorism-based organizations.
- Q. Have you been involved in that capacity in an investigation of Victor Bout?
  - A. I have.
- Q. How did you become involved in that investigation?
- A. Victor Bout came up in several other investigations that I conducted, so started taking a little better look at him and we were able to involve a confidential source, I'll call confidential source one, who had access to -- had known Bout in the past and had access to people who were close to Bout.

We got with source one and had him



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contact an associate of Bout named Andrew

Smulian and propose that source one had met

some Latin American businessmen slash drug

traffickers who were working for the FARC and

they were loaded with cash and were looking

for weapons. It was a good business for them

to engage in and there would be a lot of

money to be made.

- Q. Before I ask just a few more specifics about the deal that was arranged, what did you learn about Victor Anatolyevich Bout that caused you to think that this was a business deal appropriate to propose?
- A. I learned that Victor Bout is the largest or at least one of the largest arms traffickers in the world. He deals with conflicts all over the world on every continent including Columbia and the FARC.

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



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

Q. You referred to the FARC.

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

- A. The FARC is a Leftist, marksist terrorist organization based in Columbia. They have been at war with the government of Columbia for several decades and their aim is to overthrow the government of Columbia and install a communist regime.
- Q. Can you describe just in general terms what transpired during the investigation, picking up from where you left off with the introduction of that transaction?
- A. Yes, ma'am. Source one contacted Smulian as I instructed and Smulian was very interested in the proposal. Via e-mails he said he would contact the boss.

  This was in approximately December of '07.



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

- Q. I'm sorry, what is referred to as farming equipment?
- A. The arms themselves, so the conversation are in codes, so it won't be clear that they are speaking of arms.
- Q. What sort of arms were being discussed in connection with this particular transaction?
- A. Heavy military-grade equipment, everything from AK 47s and ammunition for them to missiles that are used to shoot down aircraft.

Things progressed very, very quickly.

There was a face-to-face in the Caribbean with Smulian end of January, early February.

The meeting went very well and Smulian went back and met with Bout in Russia and came 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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1	Zachariasiewicz 8/27/09	
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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23		
24		



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CERTIFICATE

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.

Acting Grand Jury Reporter

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