

SEALED

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH
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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KOLAR RAHMAN ANEES UR RAHMAN
A.K.A.FARHAN ANEES RAHMAN
A.K.A. FARHAN ANEES,

Defendant.

Case No. *2:15-mj-379-EJF*

**SEALED
COMPLAINT**

VIO.: 22 U.S.C. § 2778
ARMS EXPORT CONTROL ACT.

Magistrate Judge Evelyn J. Furse

Before a United States Magistrate Judge for the District of Utah, appeared the undersigned, who on oath deposes and says:

**Count 1
22 U.S.C. § 2778(c)
ARMS EXPORT CONTROL ACT**

Beginning on or about May 2015, and currently ongoing, in the Central Division of

the District of Utah and elsewhere,

KOLAR RAHMAN ANEES UR RAHMAN
A.K.A.FARHAN ANEES RAHMAN,
A.K.A. FARHAN ANEES,

the defendant herein, did willfully attempt to export or cause to be exported from the United States, defense articles listed on the United States Munitions List, to wit: .308 caliber sniper rifles, without having first obtained from the Department of State, Directorate of Defense Trade Controls, a license or other written authorization for such export, in violation of Title 22, United States Code, Sections 2778(b)(2) and (c), and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1 and 127.3.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST

WARRANT

This affidavit is being submitted by the affiant, Special Agent Brandon B. Crane, in support of a criminal complaint and application for an arrest warrant relating to **Kolar Rahman Anees Ur RAHMAN**, a.k.a. Farhan Anees Rahman, a.k.a. Farhan Anees, DOB: 05/21/1971.

I, Brandon B. Crane, being duly sworn, hereby depose and state as follows:

There is probable cause to believe that the above-identified individual has committed the following criminal offenses in violation of United States law: unlawfully

and willfully attempting to export defense articles from the United States to Belarus without the required U.S. Department of State license, in violation of the following statutes: Arms Export Control Act, 22 U.S.C. § 2778.

AFFIANT'S BACKGROUND

1. I am a Special Agent (SA) with Homeland Security Investigations (HSI) and have been so employed since October 2009. Prior to joining HSI, I was employed as a Special Agent with the United States Secret Service for approximately seven (7) years. I have received training in and have been involved in investigations involving illegal exports including investigating the illegal transfer and export of commodities from the United States. While working as a Special Agent with HSI, I have directed or otherwise been involved in investigating violations of federal law, including the illegal transfer and export of commodities, cyber/internet based crimes, violent crime, narcotics trafficking, and fraud against the government.
2. The statements contained in this affidavit are based on information I have learned through my personal participation in this investigation, from oral and written reports of other law enforcement officers, from records, documents, and other evidence obtained during this investigation, and from my experience and training as a Special Agent. Since this affidavit is being submitted for the limited purpose of supporting a criminal complaint, I have not included each and every fact known to me

concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant has committed the charged offenses.

SUMMARY OF THE LAW AND REGULATIONS

3. The Arms Export Control Act (“AECA”) regulates the export of defense articles and defense services from the United States. Among other things, the AECA authorizes the President of the United States to: (1) designate defense articles and defense services on the United States Munitions List; (2) require licenses or other approvals for the export of defense articles on the USML; and (3) promulgate regulations to implement the AECA. The regulations are known as the International Traffic in Arms Regulations (“ITAR”), Title 22, Code of Federal Regulations, and Sections 120-130. The United States Department of State, Directorate of Defense Trade Controls (“DDTC”) administers the ITAR and regulates the export of defense articles. It is a violation for anyone to willfully violate any provision of 22 U.S.C. § 2778 or any rule or regulation issued under that section. Specifically, 22 CFR 126.1 specifies the prohibited exports and sales to certain countries. It is the policy of the United States to deny licenses and other approvals for exports and imports of defense articles and defense services destined for or originating in certain countries. This policy applies to Belarus, Cuba, Iran, North Korea, Syria, and Venezuela. This

policy also applies to countries with respect to which the United States maintains an arms embargo (e.g., Burma, China, Liberia, and Sudan) or whenever an export would not otherwise be in furtherance of world peace and the security and foreign policy of the United States. 22 C.F.R. §126.1. It is the policy of the United States to deny licenses and other approvals for exports of defense articles destined for Belarus. Pursuant to the ITAR, it is a violation for a person to conspire to export or to cause to be exported any defense article without a license. 22 C.F.R. § 127.1. It is also unlawful for any person to “knowingly or willfully cause, or aid, abet, counsel, demand, induce, procure, or permit the commission of any act prohibited by ... 22 U.S.C. § 2778,” or any regulation issued thereunder. 22 C.F.R. § 127.1(d).

SUMMARY OF PROBABLE CAUSE

Defense Articles

4. “Defense articles” are items that are specifically designed, developed, configured, adapted or modified for a military application. The ITAR authorizes the DDTC to determine the particular defense articles that constitute the USML.
5. Sako is a rifle manufacturer headquartered in Finland and distributed in the United States. Various distributors distribute Sako Sniper Rifles such as the .308 Caliber rifle known as the Sako TRG 22 .308.

6. The .308 Caliber sniper rifle is a defense article covered by Category I(a) on the USML and subject to AECA and ITAR. In other words, these items may not be exported from the U.S. without a license or authorization from the State Department.

Summary of Investigation

7. **Kolar Rahman Anees Ur RAHMAN** (RAHMAN), is a citizen of India, and currently resides in United Arab Emirates (UAE).
8. In November of 2013, a firearms manufacturer in Salt Lake City, Utah, was originally contacted through email communications by an individual identified as Amjad Mehmud (MEHMUD), for the purchase of 50 sniper rifles to be shipped to Belarus. The firearms manufacturer notified MEHMUD that such a purchase and delivery would not be possible, due to current trade sanctions and embargoes against Belarus, by the U.S. Government. The firearms manufacturer subsequently informed an HSI Salt Lake City Special Agent of MEHMUD's suspicious inquiry.
9. An HSI Salt Lake City undercover agent (UCA) contacted MEHMUD by email. In those communications, MEHMUD reiterated his desire to procure the sniper rifles for delivery to Belarus from the U.S. The UCA informed MEHMUD of the illegality of an unlicensed export.
10. From November 2013 through May 2015, negotiations between the UCA and MEHMOUD did not result in a purchase. However, in May 2015, MEHMUD

introduced the UCA to RAHMAN, designating RAHMAN as MEHMUD's principal broker for the above-mentioned procurement of the sniper rifles.

Thereafter, communication between MEHMUD and the UCA has been limited, due to MEHMUD's reported failing health. From May 2015 through July 2015, RAHMAN contacted the UCA through email, telephone, and Skype, negotiating the purchase and shipment of sniper rifles to Belarus.

11. RAHMAN requested the purchase of sniper rifles in the U.S.; specifically the Sako .308 caliber sniper rifle, and to have them exported to the Belarus.
12. During the course of communication via the telephone, email, and Skype "chat" feature, the UCA informed RAHMAN it was illegal to export the .308 caliber sniper rifle from the U.S. to Belarus. RAHMAN informed the UCA he understood it was illegal to export the .308 caliber sniper rifles from the U.S. to Belarus, however RAHMAN stated he still desired to obtain and to have them illegally exported from the U.S. to Belarus. RAHMAN stated to the UCA that he wanted to purchase a total of approximately 89 sniper rifles. RAHMAN informed the UCA all of the sniper rifles would be for ultimate end-use in Belarus.
13. In August 2015, RAHMAN and the UCA agreed that RAHMAN would make a first purchase of ten (10) units of the .308 caliber rifles and ammunition for approximately \$66,285.00. In September 2015, RAHMAN sent the UCA a down

payment of approximately \$13,357.00. RAHMAN agreed to pay the remaining balance once the .308 sniper rifles arrived in Belarus. RAHMAN agreed to travel to the U.S., where he would meet the UCA in person and discuss the shipment of .308 caliber rifles to Belarus and future business.

Undercover Meet

14. On November 4, 2015, the UCA met with an individual who identified himself as Kolar Rahman Anees Ur RAHMAN. (The individual meeting with the UCA matched the photograph from the passport of Kolar Rahman Anees Ur RAHMAN) The UCA briefly reviewed all of the negotiations he and RAHMAN had via the telephone, email, and Skype prior to their meeting in person. RAHMAN confirmed to the UCA he was the same individual the UCA had been negotiating with since May 2015.
15. The UCA reminded RAHMAN that all of the .308 Caliber sniper rifles are export controlled in the U.S. by ITAR and could not be exported to certain countries without a license. The UCA reminded RAHMAN, due to the policy of denial in place by the U.S. government against Belarus, that it was not possible to obtain the required export licenses needed to legally export the .308 Caliber sniper rifles. The UCA explained that in order to export the firearms, they would need to make

misrepresentations on the paperwork as to where the rifles would be shipped.

RAHMAN informed the UCA he understood and still wanted to continue with their business transaction. The UCA informed RAHMAN he wanted to make sure RAHMAN understood the risks and that they would both go to jail if they were caught illegally exporting the rifles and ammunition. RAHMAN informed the UCA he understood the risk and that he desired to complete their business transaction as planned.

16. At no time did RAHMAN apply for, receive, or possess a license or authorization from the Department of State for the conduct described herein.

CONCLUSION

17. Based on the facts set forth herein, and on my experience and training in investigating cases involving violations of federal law, I submit there is probable cause to believe that RAHMAN has committed the following offense: the export, or attempted export, of defense articles without a license, in violation of 22 U.S.C. §

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2778(b)(2) and (c) (the Arms Export Control Act.), 18 U.S.C. § 554, and
Unlawful Exportation of Goods from the United States.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



Brandon B. Crane, Special Agent
Department of Homeland Security
Homeland Security Investigations

Subscribed and sworn before me this 4th day of November, 2015.



Evelyn J. Furse
United States Magistrate Judge