

22 Crim

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA :

-v.- :

INDICTMENT

LEONID MIKALAEVICH CHURO, :
OLEG KAZYUCHITS, :
ANDREY ANATOLIEVICH LNU, and :
FNU LNU, :

22 Cr.

Defendants. :

- - - - - x

22 CRIM

38

COUNT ONE
(Conspiracy to Commit Aircraft Piracy)

The Grand Jury charges:

BACKGROUND

1. On or about May 23, 2021, Ryanair Flight 4978 (the "Flight"), a regularly-scheduled passenger flight between Athens, Greece and Vilnius, Lithuania transporting four U.S. nationals and more than 100 other passengers, was diverted to Minsk, Belarus before reaching its final destination. The Flight was diverted by air traffic control authorities in Belarus in response to a purported threat of a bomb on board the aircraft. There was, in fact, no bomb on board the aircraft. Belarusian government authorities fabricated the threat as a means to exercise control over the Flight and force it to divert

from its course toward the original destination of Vilnius, and instead land in Minsk. The purpose of the Belarusian government plot diverting the Flight to Minsk was so that Belarusian security services could arrest a Belarusian journalist and political activist ("Individual-1") -- who was critical of the Belarusian government, living in exile in Lithuania, and wanted by the Belarusian government on allegations of fomenting "mass unrest" -- as well as Individual-1's girlfriend ("Individual-2"). The Belarusian government conspiracy to divert the Flight was executed by, among others, officers of the Belarusian state security services working in coordination with senior officials of the Belarusian state air navigation authority.

2. LEONID MIKALAEVICH CHURO, OLEG KAZYUCHITS, ANDREY ANATOLIEVICH LNU, and FNU LNU, the defendants, are Belarusian government officials who were critical participants in this conspiracy. CHURO and KAZYUCHITS are high-ranking Belarusian government aviation officials, and ANDREY ANATOLIEVICH LNU and FNU LNU are Belarusian state security officers. They worked together and with others to direct Belarusian air traffic authorities, including the senior air traffic controller at the Minsk Air Control Center ("Minsk ACC") who was designated as responsible for communicating with the Flight ("ATC-1"), to

convey the false bomb threat to the Flight in order to exercise control over the Flight and cause its diversion to Minsk, and to falsify reports regarding the diversion of the Flight in order to conceal their conspiracy and the fact that they had attained and exercised control over the Flight to effect the arrest of Individual-1.

3. The facts set forth in this Indictment are derived from evidence gathered by the Federal Bureau of Investigation (the "FBI"), including, among other things, technical data regarding the Flight's path; information provided to the FBI by witnesses with firsthand knowledge of the events described and who are cooperating with U.S. authorities, including ATC-1 and the U.S. nationals who were on board the Flight; and contemporaneous audio and video recordings, some of which are quoted herein, including recordings made by ATC-1 of the events as they unfolded inside the Minsk ACC, which recordings ATC-1 later provided to the FBI.

THE DEFENDANTS

4. At all times relevant to this Indictment, LEONID MIKALAEVICH CHURO, the defendant, was the Director General of Belaeronavigatsia Republican Unitary Air Navigation Services Enterprise (the "Belarus Air Navigation Enterprise"). The

Belarus Air Navigation Enterprise, a state-owned enterprise of the Republic of Belarus, is the designated provider of air navigation services in Belarus, and is responsible for air traffic control in that country. CHURO personally communicated the false bomb threat to the staff of the Minsk ACC before the Flight even took off from Athens, and directed the Minsk ACC to instruct the Flight to divert to Minsk in response to the purported threat.

5. At all times relevant to this Indictment, OLEG KAZYUCHITS, the defendant, was the Deputy Director General of the Belarus Air Navigation Enterprise. KAZYUCHITS's role in the conspiracy included directing Belarusian air traffic authorities to falsify incident reports regarding the diversion of the Flight in order to conceal the fabrication of the bomb threat and to omit the role of Belarusian security services in directing the diversion.

6. At all times relevant to this Indictment, ANDREY ANATOLIEVICH LNU and FNU LNU, the defendants, were officers of the Belarusian state security services. FNU LNU participated with LEONID MIKALAEVICH CHURO, the defendant, in conveying the false bomb threat to the Minsk ACC, personally directed the specific radio communications from the Minsk ACC to coerce the

Flight to divert to Minsk, and relayed contemporaneous updates on the diversion of the Flight and the progress of the plot to FNU LNU's superior in the Belarusian state security services, ANDREY ANATOLIEVICH LNU.

THE FLIGHT

7. The Flight was conducted on a Boeing 737-800 aircraft bearing Polish registration SP-RSM, and operated by a Polish subsidiary of the Irish airline Ryanair. The Flight was also referred to as "FR4978," based on the flight number and the International Air Transport Association code "FR" for Ryanair. While in the air, the Flight used call sign "Ryanair One Tango Zulu" ("RYR 1TZ").

8. The Flight carried approximately 126 passengers and six crewmembers. Four nationals of the United States were on board the Flight.

9. On or about May 23, 2021, the Flight took off from Athens, Greece, at approximately 7:29 Coordinated Universal Time ("UTC").

THE PLAN TO DIVERT THE FLIGHT

10. On or about May 23, 2021, at approximately 6:45 UTC, before the Flight departed from Athens, LEONID MIKALAEVICH CHURO and FNU LNU, the defendants, arrived at an operations room

of the Minsk ACC. The Minsk ACC is the air traffic control center with responsibility for Belarusian airspace. CHURO and FNU LNU conferred briefly with supervisors in the Minsk ACC, who then relayed information from CHURO and FNU LNU to two senior air traffic controllers on duty that there was a bomb on board a Ryanair flight that would be entering Belarusian airspace from Ukraine, and that the flight needed to divert to the Minsk airport because the bomb would explode if the plane entered the airspace near its destination in Vilnius. The Flight had not yet departed Athens when CHURO and FNU LNU visited the Minsk ACC and conveyed the purported threat. Even so, the passengers on the Flight were not required to disembark so that the aircraft could be searched, and the Flight was allowed to leave Athens, consistent with the fact that the threat was not legitimate and was instead part of the plot to divert the Flight to Belarus while in the air so Individual-1 could be arrested.

11. After LEONID MIKALAEVICH CHURO and FNU LNU, the defendants, conveyed the purported bomb threat at the Minsk ACC, and following the Flight's departure from Athens, ATC-1 determined that the Flight had not yet been detected by the Minsk ACC radar, indicating that it had not yet entered Belarusian airspace from the adjacent airspace of Ukraine. ATC-

1's supervisor ("Supervisor-1") nevertheless prohibited ATC-1 from making any notification to Ukrainian authorities of the purported bomb threat. This helped to ensure that the Flight would enter Belarusian airspace, and the plot to obtain and exercise control over the Flight could be executed.

12. FNU LNU, the defendant, remained in the Minsk ACC operations room from the time that he and LEONID MIKALAEVICH CHURO, the defendant, arrived at the Minsk ACC to convey the purported bomb threat and direct that the Flight divert to Minsk, until shortly before the Flight landed in Minsk after being diverted, in order to ensure that the diversion plot was successfully executed.

THE DIVERSION OF THE FLIGHT TO MINSK

13. After taking off from Athens, the Flight continued north, entering Bulgarian airspace at approximately 8:03 UTC, Romanian airspace at approximately 8:22 UTC, and Ukrainian airspace at approximately 8:56 UTC. At approximately 9:28 UTC, the Flight entered Belarusian airspace and made first contact with Belarusian air traffic control at the Minsk ACC.

14. Prior to the Flight making first contact with the Minsk ACC, FNU LNU, the defendant, sat next to ATC-1 in the operations room, and directed ATC-1 about what to say to the

Flight once radio communication was established. At approximately 9:27 UTC, ATC-1 rehearsed with FNU LNU the message that ATC-1 intended to tell the Flight at FNU LNU's direction once radio contact was made, based on the false bomb threat information that had previously been conveyed by LEONID MIKALAEVICH CHURO, the defendant, and FNU LNU. ATC-1 told FNU LNU that ATC-1 would say: "We have information from special services. You have bomb on board."¹ FNU LNU then instructed ATC-1 to tell the Flight in addition that the bomb "can explode over Vilnius. So, security reason, we recommend . . . airport . . . Uniform Mike Mike Sierra," referring to the airport code for Minsk National Airport, "UMMS."

15. FNU LNU, the defendant, remained positioned adjacent to ATC-1 in the Minsk ACC throughout the ensuing radio communications with the Flight.

16. At approximately 9:29 UTC, the Flight crossed into Belarusian airspace at an altitude of approximately 39,000 feet. At around that time, ATC-1 first communicated by radio with the Flight and, as instructed by FNU LNU, the defendant, ATC-1 stated to the Flight over the radio that "we have

¹ The statements described in this Indictment are reported in substance and in part.

information from special services that you got bomb on board and that bomb can be activated over Vilnius. . . . Ryanair one-tango-zulu . . . for security reasons we recommend you to land at Uniform Mike Mike Sierra."

17. A flight subject to a credible bomb threat should be diverted to the nearest airfield at which it can land safely, and the flight's time in the air should not be prolonged in order to divert to another airfield. At the time that ATC-1 communicated to the Flight the instruction from FNU LNU, the defendant, that the Flight should land at Minsk National Airport, the Flight was located approximately 174 miles away from that airport and there were several closer airports where the Flight could have landed. FNU LNU did not, however, direct ATC-1 to instruct the Flight to divert to the nearest airfield where it could land safely to minimize the aircraft's time in the air with a purported bomb on board, but rather directed that the Flight should be diverted specifically to Minsk.

18. At approximately 9:32 UTC, the pilot of the Flight asked ATC-1 via radio, "The bomb . . . threat message, where did it come from? Where did you find the information about it from?" FNU LNU, the defendant, directed ATC-1 to "[t]ell him to stand by." FNU LNU then directed ATC-1 to tell the Flight

that "Airport -- airport gave it to you. Message came to the airport email and airport gave it to you. . . . Message came to the email," referring to a purported email (the "Threat Email") conveying the bomb threat that, in fact, was fabricated by Belarusian officials as part of the plot. After ATC-1 responded to the Flight as directed by FNU LNU, the Flight inquired, "Was it Vilnius airport security staff or from Greece?" FNU LNU directed ATC-1 to respond that "It was a mass mail to all the airport. . . . Sent to all the airport," and ATC-1 stated to the Flight as directed, "Ryanair one-tango-zulu, this email was shared to, ehm, several airports."

19. After further communications with the Flight, at approximately 9:44 UTC, ATC-1 asked the Flight, "Ryanair one-tango-zulu advise your decision please." The Flight responded, asking "I need to ask you a question, what is the code of the threat . . . is it green, yellow or amber, or red?" This was a reference to aviation guidelines that classify the credibility and likelihood of security threats according to colors, with red indicating the most specific and credible warning. FNU LNU, the defendant, instructed ATC-1 to respond to the Flight's inquiry, "Well, let it be red, red." As directed by FNU LNU, ATC-1 relayed to the Flight, "Ryanair one-tango-zulu they say code is

red." The Flight in turn announced the intention to "hol[d] at present position."

20. Less than a minute after the Flight announced that it would hold its present position -- in other words, that the Flight was not immediately proceeding to Minsk as the defendants had intended as a critical part of their operation -- FNU LNU, the defendant, received a phone call from ANDREY ANATOLIEVICH LNU, the defendant, who is a higher-ranking officer than FNU LNU in the Belarusian state security services. FNU LNU informed ANDREY ANATOLIEVICH LNU that the pilot of the Flight "hasn't made a decision yet," and expressed concern that the Flight would soon be out of the control of Belarusian authorities, warning ANDREY ANATOLIEVICH LNU that "[the pilot] is a couple of minutes before exit from our zone, near the state border." FNU LNU further informed ANDREY ANATOLIEVICH LNU that the pilot of the Flight was "asking what color of danger is it yellow or red" and that ATC-1 was "saying red." FNU LNU further reported to ANDREY ANATOLIEVICH LNU about the possible intentions of the pilot of the Flight, including "possibly they are deliberately playing the time."

21. At approximately 9:45 UTC, when the Flight announced that it would hold its present position, and when FNU

LNU and ANDREY ANATOLIEVICH LNU, the defendants, were discussing the Flight's intentions, the Flight was located approximately 20 miles from the border between Belarus and Lithuania, past the point at which the Flight would normally begin its descent into Vilnius, and still cruising at an altitude of approximately 39,000 feet and a speed of approximately 460 knots.

22. At approximately 9:47 UTC, the Flight announced to the Minsk ACC that it was declaring an emergency and would divert to Minsk National Airport. ATC-1 informed FNU LNU, the defendant, that the Flight would "g[o] to Minsk." FNU LNU confirmed "he agreed to land, did he?", to which ATC-1 responded, "Yes, yes." At that point, FNU LNU departed from the Minsk ACC operations room.

THE SUPPOSED BOMB THREAT

23. At approximately 9:57 UTC, the Minsk National Airport received a copy of the Threat Email that was sent using an encrypted email service (the "Service Provider") to a general information email inbox for the Minsk National Airport, stating:

We, Hamas soldiers, demand that Israel cease fire in the Gaza Strip. We demand that the European Union abandon its support for Israel in this war. We know that the participants of Delphi Economic Forum are returning home on May 23 via flight FR4978. A bomb has been planted onto this aircraft.

If you don't meet our demands the bomb will
explode on May 23 over Vilnius.

Allahu Akbar.

24. The Threat Email purporting to demand a "cease fire in the Gaza Strip" appears to refer to a recent conflict between Israel and the Palestinian organization Hamas. Israel and Hamas had already reached a cease-fire agreement in that conflict on or about May 21, 2021, approximately two days before the Threat Email was sent on May 23, 2021.

25. Between approximately 9:25 UTC and 9:28 UTC on May 23, 2021, the substantially identical message, conveying the purported bomb threat, was also received by general information email inboxes for airports in Lithuania, Romania, and Bulgaria. At approximately 9:33 UTC, when FNU LNU, the defendant, directed ATC-1 to inform the Flight that the purported bomb threat had been conveyed in "a mass mail to all the airport," *see supra* ¶ 18, none of these airports had shared information about the emails with Belarusian authorities. FNU LNU's knowledge that the bomb threat had been sent to multiple airports further demonstrates that the bomb threat had been fabricated by Belarusian authorities as a pretext for exercising control over the Flight.

26. After the diversion of the Flight to Minsk, the Service Provider confirmed publicly that the sent time on the Threat Email -- which was approximately 29 minutes after the Flight first made radio contact with the Minsk ACC, and approximately 10 minutes after the Flight announced that it would divert to Minsk -- was accurate. Belarusian authorities subsequently claimed that an identical version of the Threat Email had also been sent to the Minsk National Airport general information inbox earlier, at approximately 9:25 UTC, and was the first notice of the bomb threat that Belarusian authorities received. LEONID MIKALAEVICH CHURO and FNU LNU, the defendants, however, had communicated that threat in person to Belarusian airport officials hours earlier, before the Flight even took off from Athens and before the Flight entered Belarusian airspace. See *supra* ¶ 10.

27. At approximately 9:57 UTC, the Flight contacted Minsk approach control (the air traffic control responsible for Minsk National Airport), and at approximately 10:16 UTC, the Flight landed at Minsk National Airport.

THE ARREST OF INDIVIDUAL-1

28. After the Flight landed, notwithstanding that a purported bomb was on the aircraft, the passengers were required

to remain on board the aircraft while Belarusian security services instructed them to deplane in groups of approximately four or five.

29. The passengers were met on the airport tarmac by Belarusian security services personnel, including individuals dressed in camouflage military-style uniforms, some of whom were wearing ski masks and carrying visible firearms. The Belarusian security services personnel were not equipped for explosives disposal. Belarusian security services personnel required at least one member of the Flight's crew to remain on board the plane while passengers were being searched.

30. FNU LNU, the defendant, whose face was visible, was one of the Belarusian security personnel who met the Flight on the tarmac. FNU LNU was in a position of authority with respect to the other Belarusian personnel on the scene, and was directing the activity of security personnel present on the tarmac.

31. After the passengers came off the plane, each person's bags and items were separated on the tarmac to be searched. In some cases, Belarusian security services personnel brought dogs to inspect the bags, but notwithstanding the purported bomb threat, the passengers were allowed to stand near

their baggage while it was inspected. FNU LNU, the defendant, remained on the tarmac monitoring the screening of the passengers as they disembarked. The passengers were then instructed by Belarusian security services personnel to board one of several airport passenger buses.

32. Belarusian authorities boarded one of the buses, and asked Individual-1 to come forward and identify himself, demonstrating that Belarusian authorities were aware that Individual-1 was on board the Flight. Individual-1 raised his hand and was escorted off the bus, where uniformed Belarusian officers separately searched him again on the airport tarmac. Belarusian officers then escorted Individual-1 back onto the bus, and traveled with Individual-1 and the rest of the passengers to the airport terminal. Once the bus arrived at the terminal, the Flight's passengers were detained in an area of the terminal secured by Belarusian security services. Additional Belarusian security officers met Individual-1 and the officers accompanying him, escorted Individual-1 away from the remaining passengers, and detained Individual-1.

33. One group of passengers from the Flight, including multiple U.S. nationals and Individual-2, was detained in a narrow hallway for approximately three hours at the

airport. During that time, Belarusian authorities also escorted Individual-2 away from the other passengers and detained Individual-2.

34. No bomb was ever on the Flight. The passengers were allowed to reboard the Flight and, at approximately 17:48 UTC, the Flight departed from Minsk and continued to its original destination of Vilnius.

THE COVER-UP

35. On or about May 24, 2021, the day after the Flight was diverted, LEONID MIKALAEVICH CHURO, the defendant, appeared at a press conference in Belarus with other Belarusian officials to address the Flight's diversion. During the press conference, CHURO stated falsely that the Belarusian authorities had "done everything according to their technology and their job responsibilities" in handling the Flight. CHURO further stated that the "pilot [of the Flight] made a decision, ehm, to land at Minsk International Airport." In reality, CHURO knew that he and his co-conspirators had contrived the false bomb threat and had directed the Flight to divert to Minsk so that Belarusian security services could arrest Individual-1 and Individual-2.

36. Approximately two days after the diversion of the Flight, on or about May 25, 2021, Supervisor-1 directed ATC-1 to

meet with OLEG KAZYUCHITS, the defendant, who was the deputy to LEONID MIKALAEVICH CHURO, the defendant, at the main office of the Belarus Air Navigation Enterprise in Minsk. During that conversation, KAZYUCHITS instructed ATC-1 to omit entirely from any reports about the diversion of the Flight the fact that FNU LNU, the defendant, was present at the Minsk ACC, directing ATC-1 to state that there were "no strangers" in the Minsk ACC operations room during the diversion.

37. At the conclusion of their meeting, OLEG KAZYUCHITS, the defendant, instructed ATC-1 to meet with the deputy director of the Department of Aviation of the Belarus Ministry of Transport (the "Transport Official") at the Ministry of Transport offices. When ATC-1 met with the Transport Official later that day, the Transport Official asked ATC-1 if ATC-1 was prepared to answer "inconvenient" questions from international aviation authorities about the diversion of the Flight. ATC-1 understood the Transport Official to be instructing ATC-1 to lie to investigators about what really happened with the Flight, and to present only the false version of the facts reflected in the falsified incident reports prepared as directed by OLEG KAZYUCHITS, the defendant.

38. On or about May 28, 2021, ATC-1 and Supervisor-1 drafted incident reports regarding the events in connection with the diversion of the Flight.

39. On or about June 1, 2021, OLEG KAZYUCHITS, the defendant, met with ATC-1 and Supervisor-1 and again directed that their incident reports must falsify the events surrounding the diversion of the Flight. In particular, KAZYUCHITS instructed them to amend the reports as follows:

a. KAZYUCHITS instructed ATC-1 to state falsely in ATC-1's report that the bomb threat to the Flight was received by phone by Supervisor-1 at approximately the same time that the Flight entered Belarusian airspace. KAZYUCHITS directed ATC-1 to write that the bomb threat was "approximately at 9:28 received via mobile communications" to Supervisor-1. In fact, as described above, the purported threat had been communicated in person by LEONID MIKALAEVICH CHURO and FNU LNU, the defendants, before the Flight took off from Athens and hours before the Flight entered Belarusian airspace.

b. KAZYUCHITS explained to ATC-1 that the false revision was necessary because "we need it closer to the radio exchange" with the Flight.

c. After Supervisor-1 informed KAZYUCHITS that certain telephone lines in the Minsk ACC were recorded, KAZYUCHITS stated that "I'll later ask technicians to take all that out," referring to the recorded telephone conversations that occurred around the time of the communications with the Flight.

d. Although ATC-1 amended the report on or about June 1, 2021, at KAZYUCHITS's direction, KAZYUCHITS also directed ATC-1 to back-date the report to May 28, 2021, the date on which it was originally drafted.

STATUTORY ALLEGATIONS

40. In or about May 2021, in Belarus and elsewhere, in an offense begun and committed out of the jurisdiction of any particular State or district of the United States, LEONID MIKALAEVICH CHURO, OLEG KAZYUCHITS, ANDREY ANATOLIEVICH LNU, and FNU LNU, the defendants, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, and others known and unknown, knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense, as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, on an aircraft in flight outside the special aircraft jurisdiction of the United

States on which U.S. nationals were aboard, in violation of Title 49, United States Code, Section 46502(b).

41. It was a part and an object of the conspiracy that LEONID MIKALAEVICH CHURO, OLEG KAZYUCHITS, ANDREY ANATOLIEVICH LNU, and FNU LNU, the defendants, and others known and unknown, would and did unlawfully and intentionally seize and exercise control of an aircraft in service by force or threat thereof, by coercion, by any other form of intimidation, and by any technological means.

42. It was further a part and an object of the conspiracy that LEONID MIKALAEVICH CHURO, OLEG KAZYUCHITS, ANDREY ANATOLIEVICH LNU, and FNU LNU, the defendants, and others known and unknown, would and did unlawfully and intentionally make a threat, and cause a person to receive such a threat, to seize and exercise control of an aircraft in service by force or threat thereof, by coercion, by any other form of intimidation, and by any technological means, under circumstances which indicate that the threat is credible.

(Title 49, United States Code, Section 46502(a), (b)(2) and Title 18, United States Code, Section 3238.)



DAMIAN WILLIAMS
United States Attorney

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Defendants.

INDICTMENT

22 Cr.

(49 U.S.C. § 46502, 18 U.S.C. § 3238.)

DAMIAN WILLIAMS

United States Attorney.

A TRUE BILL

Prosecutor.

1/20/2022

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Case assigned to
Judge Engelmaster
Wheel A.

Sarah Carr
USMJ

Indictment filed
Arrest warrants issued