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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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 :  
 UNITED STATES OF AMERICA, :  
 :  
 Plaintiff, :  
 :  
 - v - :  
 :  
 A BOEING 787-8 DREAMLINER AIRCRAFT, :  
 BEARING TAIL NUMBER P4-BDL AND :  
 MANUFACTURER SERIAL NUMBER 37306, :  
 :  
 - and - :  
 :  
 A GULFSTREAM G650ER AIRCRAFT, :  
 BEARING TAIL NUMBER LX-RAY AND :  
 MANUFACTURER SERIAL NUMBER 6417, :  
 :  
 Defendants-in-rem. :  
 :  
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AFFIDAVIT IN SUPPORT OF  
 SEIZURE WARRANT IN REM  
 PURSUANT TO 50 U.S.C.  
 § 4820 AND 18 U.S.C § 981

STATE OF NEW YORK )  
 COUNTY OF NEW YORK :ss.:  
 SOUTHERN DISTRICT OF NEW YORK )

ALAN FOWLER, Federal Bureau of Investigation, being duly sworn, deposes and states:

**I. Introduction**

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”). As such, I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal

Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I have been a Special Agent at the FBI for approximately six years. I am currently assigned to the Eurasian Organized Crime Task Force, a squad that investigates, among other things, racketeering and organized crime.

2. I submit this affidavit in support of the United States of America's application for the issuance of a seizure warrant, pursuant to 50 U.S.C. §§ 4820(a)(5) and (j) and 18 U.S.C. § 981, for:

a. a Boeing 787-8 Dreamliner aircraft, bearing tail number P4-BDL and manufacturer serial number 37306 (the "Boeing"), and

b. a Gulfstream G650ER aircraft, bearing tail number LX-RAY and manufacturer serial number 6417 (the "Gulfstream").

3. I submit that there exists probable cause to believe that, under the Export Control Reform Act of 2018, 50 U.S.C. § 4801 *et seq.* ("ECRA"), the Boeing and the Gulfstream are each subject to seizure and forfeiture, pursuant to 50 U.S.C. §§ 4820(a)(5) and (j), as items subject to controls under, and reexported in violation of, Subchapter I of Chapter 58, Title 50, United States Code, and regulations, orders, licenses, and other authorizations issued thereunder.

4. The statements contained in this affidavit are based in part on my examination of reports and records, including from The Boeing Company, Gulfstream Aerospace Corporation, companies and financial institutions involved in the sale of the Boeing and the Gulfstream, Aruba, the British Virgin Islands ("BVI"), Jersey, Channel Islands ("Jersey"), airline databases, court documents, and publicly available information (collectively, the "Records"), and information obtained from other law enforcement agents and witnesses. This affidavit does not set forth every fact resulting from the investigation; rather, it sets forth facts sufficient to establish

probable cause for the seizure and forfeiture of the Boeing and the Gulfstream. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related only in substance and in part and are not intended to be verbatim recitations. When a date is listed, I mean that the event occurred “on or about” that date. When a time period is listed, I mean that the event occurred “in or around” that time period.

## **II. The Russia Sanctions Regime**

5. The ECRA grants the President of the United States the authority, among other things, to “control . . . the export, reexport, and in-country transfer of items subject to the jurisdiction of the United States, whether by United States persons or by foreign persons . . . relating to” specific categories of items and information. 50 U.S.C. § 4812(a). The ECRA further grants the Secretary of the U.S. Department of Commerce (“Department of Commerce”) the authority to establish the applicable regulatory framework. 50 U.S.C. §§ 4813-4815.

6. Pursuant to that authority, the Department of Commerce reviews and controls the export of certain items, including goods, software, and technologies, from the United States to foreign countries through the Export Administration Regulations (“EAR”), 15 C.F.R. §§ 730-774. In particular, the EAR restrict the export of items that could make a significant contribution to the military potential of other nations or that could be detrimental to the foreign policy or national security of the United States. The EAR impose licensing and other requirements for items subject to the EAR to be lawfully exported from the United States or lawfully reexported from one foreign destination to another.

7. The most sensitive items subject to EAR controls are identified on the Commerce Control List (“CCL”) published at 15 C.F.R. part 774, Supp. No. 1. Items on the CCL are categorized by Export Control Classification Number (“ECCN”), each of which has export

controls requirements depending on destination, end use, and end user. Aircraft and aircraft parts and components are specified items under ECCN 9A991.

8. Pursuant to 50 U.S.C. § 4819(a)(1), “[i]t shall be unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of this part or of any regulation, order, license, or other authorization issued under this part.” Pursuant to Section 4819(b), “[a] person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids and abets in the commission of, an unlawful act described in subsection (a) shall” be guilty of a crime, and pursuant to Section 4819(c)(1), the Secretary of Commerce may impose “civil penalties on a person for each violation by that person of this subchapter or any regulation, order, or license issued under this subchapter.”

9. In response to the Russian Federation’s (“Russia”) invasion of Ukraine, the Department of Commerce, Bureau of Industry and Security (“BIS”) issued various sanctions against Russia that impose export controls and license requirements to protect U.S. national security and foreign policy interests.

10. On February 24, 2022, BIS issued a final rule, effective that same day, “Implementation of Sanctions Against Russia Under the Export Administration Regulations (EAR),” 87 Fed. Reg. 12,226 (Mar. 3, 2022). These Russia sanctions added new Russia-related license requirements and licensing policies, including expanded prohibitions on the export, reexport, or in-country transfer of, among other things, aircraft and aircraft parts and components to or within Russia without a license, and a general licensing policy of denial (with limited exceptions) for such transactions.

11. Specifically, the February 24, 2022 rule amended 15 C.F.R. § 746.8(a)(1) to provide that “a license is required, excluding deemed exports and deemed reexports, to export,

reexport, or transfer (in-country) to or within Russia any item subject to the EAR and specified in an Export Control Classification Number (ECCN) in Categories 3, 4, 5, 6, 7, 8, or 9 of the CCL.” 87 Fed. Reg. at 12,249.<sup>1</sup> Consequently, 15 C.F.R. § 746.8(a)(1) “extends EAR license requirements to many items that did not previously require a license to Russia on the basis of their CCL classification alone.” 87 Fed. Reg. at 12,227. Accordingly, under the February 24, 2022 rule, a license or license exception is now required to export, reexport, or transfer (in-country) to or within Russia any U.S.-manufactured aircraft. Under 50 U.S.C. § 4801, “[t]he term ‘reexport’, with respect to an item subject to controls under subchapter I, includes . . . the shipment or transmission of the item from a foreign country to another foreign country, including the sending or taking of the item from the foreign country to the other foreign country, in any manner.” *See also* 15 C.F.R. § 734.14 (definition of “reexport” under the EAR).

12. A “License Exception” is “an authorization” in the EAR that allows the “export or reexport under stated conditions [of] items subject to the Export Administration Regulations (EAR) that would otherwise require a license[.]” 15 C.F.R. § 740.1(a). Prior to March 2, 2022, License Exception AVS (aircraft, vessels, and spacecraft) permitted, among other things, the temporary sojourn of a U.S.-manufactured, foreign-flagged aircraft subject to the EAR in and out of Russia without a license. 15 C.F.R. § 740.15.

13. On March 2, 2022, BIS issued an additional final rule, effective that same day, that, among other things, eliminated the availability of certain license exceptions for items destined for Russia. 87 Fed. Reg. 13,048 (Mar. 8, 2022). This included License Exception AVS,

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<sup>1</sup> 15 C.F.R. § 746.8(a)(1) was subsequently amended on April 11, 2022 to expand the scope of ECCNs to include Categories 0, 1, and 2, and thus now requires a license to Russia for all items on the CCL. 87 Fed. Reg. 22,130 (Apr. 14, 2022).

which is no longer available for the export or reexport to Russia of “any aircraft registered in, owned, or controlled by, or under charter or lease by Russia or a national of Russia.” 15 C.F.R. § 746.8(c)(5).

14. In summary and in part, these Russia sanctions (a) require a BIS license for any export or reexport of any aircraft subject to the EAR to Russia, and (b) prohibit an aircraft that is owned, controlled, or under charter or lease by a Russian national from being exported or reexported to Russia pursuant to License Exception AVS.

### **III. Probable Cause for Seizure and Forfeiture**

15. As set forth below, there is probable cause to believe that the Boeing and the Gulfstream each were reexported in violation of the ECRA and regulations, orders, and licenses issued thereunder, including the Russia sanctions, on or about March 4, 2022 and on or about March 12 and 15, 2022, respectively. The Boeing and the Gulfstream were each U.S.-manufactured aircraft classified under ECCN 9A991 on the CCL, and therefore a BIS license was required for their reexport to Russia (*i.e.*, for them to fly from a foreign country to Russia) — but no licenses were applied for or issued. Nor was any license exception available, including because the Boeing and the Gulfstream were each owned and/or controlled by a Russian national: Roman Abramovich.

#### **A. The Gulfstream**

16. Based on my review of the Records and information obtained from my conversations with other law enforcement agents, I believe that the Gulfstream was reexported to Russia in violation of the ECRA and regulations, orders, and licenses issued thereunder, including the Russia sanctions, on or about March 12 and 15, 2022, as follows:

a. Gulfstream Aerospace Corporation, headquartered in Savannah, Georgia, manufactured the Gulfstream, a G650ER aircraft, in the United States in approximately 2020. The Commerce Department reviewed information related to the Gulfstream and determined that it is subject to the EAR and is classified under ECCN 9A991. Accordingly, at all relevant times, a BIS license or license exception was required under the EAR for the export or reexport of the Gulfstream to Russia. No application was made to BIS for a license to reexport the Gulfstream to Russia, including for the March 12 and 15, 2022 flights, and no such license was issued, nor was any license exception available.

b. A photograph of the Gulfstream is below:



c. Flight records for the Gulfstream reflect that, after the Russia sanctions went into effect on or about February 24 and March 2, 2022, the Gulfstream was

reexported to Russia on two occasions. Specifically, the Gulfstream flew from Istanbul, Turkey to Moscow, Russia on or about March 12, 2022. The next day, on or about March 13, 2022, the Gulfstream flew to Tel Aviv, Israel and then to Istanbul, on or about March 14, 2022. On or about March 15, 2022, the Gulfstream flew to Moscow again, where it has remained since then.

17. Based on my review of the Records, including documents from the sale of the Gulfstream, and information obtained from my conversations with other law enforcement agents and witnesses, I believe that no license exception was available for the reexport of the Gulfstream to Russia because it was owned and/or controlled by a Russian national. As set forth below, Roman Abramovich beneficially owned and/or controlled the Gulfstream through a series of shell companies:

a. On or about March 16, 2020, the Gulfstream was sold to Clear Skies Flights Limited (“Clear Skies”), a Jersey corporation, for approximately \$60 million.

b. In connection with the transaction, Abramovich’s representatives disclosed on a document that:

i. Abramovich was the “100% ultimate economic beneficiary” of Clear Skies, and that he had a Russian address.

ii. Clear Skies’ authorized representatives were individuals affiliated with one of Abramovich’s investment vehicles, MHC Services (Limited), with an address associated with the Chelsea Football Club, the professional English soccer team that Abramovich then owned.



c. Corporate documents indicated that Clear Skies was a wholly-owned subsidiary of Wotton Overseas Holdings Limited (“Wotton”), a Jersey corporation.<sup>2</sup>

d. Corporate documents indicated that all of the shares of Wotton were owned by Finservus (Trustees) Limited (“Finservus”), a company registered in Cyprus, as nominee for The Europa Settlement Trust (“Europa Trust”), a trust established under the laws of Cyprus.

e. Based on the above ownership structure and my review of court documents and documents from another of Abramovich’s trusts, The HF Trust Settlement (“the HF Trust”), a trust established under the laws of Cyprus that has a similar structure, I believe that Abramovich was the beneficiary of the Europa Trust.

18. Based on my review of publicly available documents, I believe that on or about March 18, 2022, BIS publicly identified the Gulfstream as an aircraft that had been reexported to Russia in violation of the EAR, including the Russia sanctions.

**B. The Boeing**

19. Based on my review of the Records and information obtained from my conversations with other law enforcement agents, I believe that the Boeing was reexported to Russia in violation of the ECRA and regulations, orders, and licenses issued thereunder, including the Russia sanctions, on or about March 4, 2022, as follows:

a. The Boeing Company, headquartered in Renton, Washington, manufactured the Boeing, a Boeing 787-8 Dreamliner, in the United States in approximately 2015. The Commerce Department reviewed information related to the Boeing and determined that it is subject to the EAR and is classified under ECCN 9A991. Accordingly, at all relevant times, a BIS

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<sup>2</sup> Publicly available news reports also indicate that Wotton owns, among other things, certain of Abramovich’s yachts and a helicopter.

license or license exception was required under the EAR for the export or reexport of the Boeing to Russia. No application was made to BIS for a license to reexport the Boeing to Russia, including for the flight on March 4, 2022, and no such license was issued, nor was any license exception available.

b. A photograph of the Boeing is below:



c. Flight records for the Boeing reflect that, after the Russia sanctions went into effect on or about February 24 and March 2, 2022, the Boeing was reexported to Russia. Specifically, on or about March 4, 2022, the Boeing flew from Dubai, United Arab Emirates to Moscow, Russia. That same day, the Boeing flew back to Dubai, where it has remained since then.

20. Based on my review of the Records and information obtained from my conversations with other law enforcement agents and witnesses, I believe that no license exception

was available for the reexport of the Boeing to Russia because it was owned and/or controlled by a Russian national. As set forth below, Roman Abramovich beneficially owned and/or controlled the Boeing through a series of shell companies:

a. On or about December 15, 2017, the Boeing was sold to Wenham Overseas Limited (“Wenham”), a BVI company, for approximately \$93,650,000. At the time of the purchase, the Boeing was a “green” aircraft, meaning it did not have a finished interior. In or about 2018, after Wenham purchased the Boeing, it was flown from the United States to Europe to be customized into what is reported to be one of the world’s most expensive private airplanes, worth approximately \$350 million.

b. In connection with the purchase transaction, Abramovich’s representatives disclosed during meetings that Abramovich was the ultimate beneficial owner of Wenham.

c. In connection with the purchase transaction, Abramovich’s representatives disclosed on a document that Abramovich was the ultimate beneficial owner of Wenham and that he had a Russian mailing address.

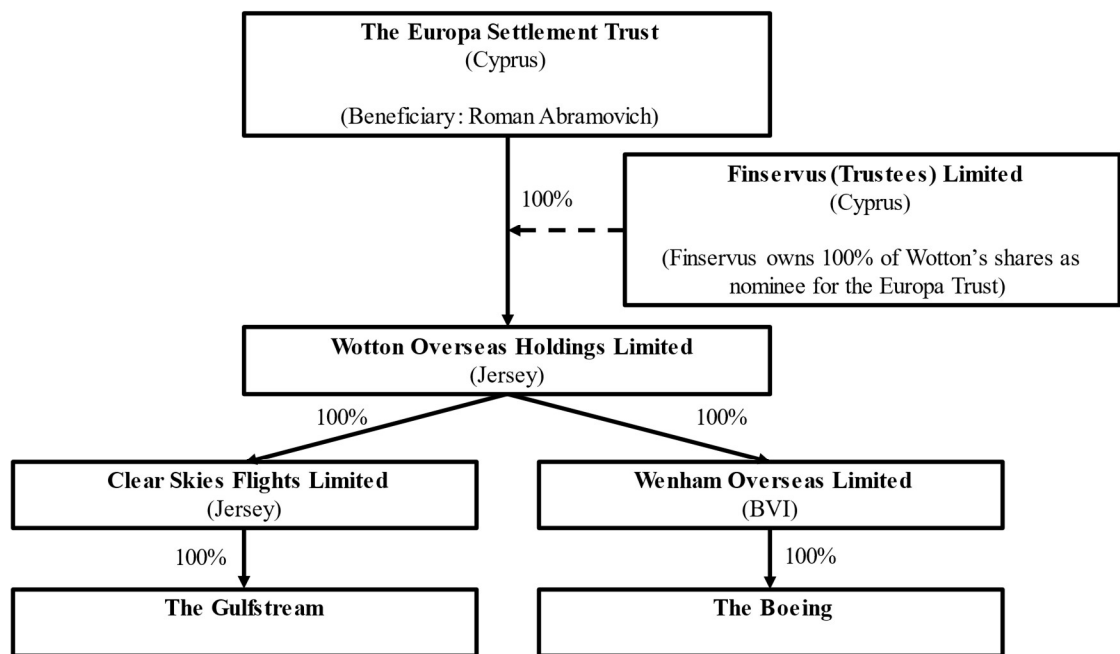
d. Corporate documents indicated that Wenham was a wholly-owned subsidiary of Wotton.

e. As noted above, all of the shares of Wotton were owned by Finservus, as nominee for the Europa Trust, and I believe that Abramovich was the beneficiary of the Europa Trust.

21. Based on my review of publicly available documents, I believe that on or about May 20, 2022, BIS publicly identified the Boeing as an aircraft that had been reexported to Russia in violation of the EAR, including the Russia sanctions.

**C. Summary of the Shell Companies**

22. As set forth above, I believe that Roman Abramovich owned and/or controlled the Gulfstream and the Boeing through a series of shell companies. The structure of these shell companies is detailed below:



23. Based on my review of the Records, I believe that in or about February 2022, Abramovich reorganized the ownership of his assets, including by making his children (all of whom are Russian nationals) the beneficiaries of the Europa Trust, as well as the HF Trust.

**IV. Civil Seizure Warrant Authority**

24. Section 4820(a)(5) of Title 50 provides: “In order to enforce this subchapter, the Secretary [of Commerce], on behalf of the President, may exercise, in addition to relevant enforcement authorities of other Federal agencies, the authority to . . . detain, seize, or issue temporary denial orders with respect to items, in any form, that are subject to controls under this subchapter, or conveyances on which it is believed that there are items that have been, are

being, or are about to be exported, reexported, or in-country transferred in violation of this subchapter, or any regulations, order, license, or other authorization issued thereunder.”

25. Section 4820(j) of Title 50 subjects to civil forfeiture, “[a]ny property, real or personal, tangible or intangible, seized under subsection (a) [of 50 U.S.C. § 4820] by designated officers or employees” and provides that “[a]ny seizure or forfeiture under this subsection shall be carried out in accordance with the procedures set forth in section 981 of title 18.”

26. Section 981(b)(1) of Title 18 provides that any property subject to forfeiture to the United States under 18 U.S.C. § 981(a) may be seized by the Attorney General. Section 981(b)(2) provides that such a seizure may be made “pursuant to a warrant obtained in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure.”

27. In addition, 18 U.S.C. § 981(b)(3) provides that, notwithstanding the provisions of Federal Rule of Criminal Procedure 41(a), a seizure warrant may be issued pursuant to Section 981(b) by a judicial officer in any district in which a forfeiture action against the property may be filed under 28 U.S.C. § 1355(b). Under 28 U.S.C. § 1355(b)(1)(B), “a forfeiture action or proceeding may be brought in . . . any other district where venue for the forfeiture action or proceeding is specifically provided for in section 1395 of this title or any other statute.” Because the Boeing and the Gulfstream will be brought to the Southern District of New York, a forfeiture action may be brought in this District, pursuant to 28 U.S.C. § 1395(c).

28. Under 18 U.S.C. § 981(b)(3), a seizure warrant “may be executed in any district in which the property is found, or transmitted to the central authority of any foreign state for service in accordance with any treaty or other international agreement.” As noted above, the Boeing has been in the United Arab Emirates since on or about March 4, 2022, and the Gulfstream has been in Russia, since on or about March 15, 2022.

V. **Conclusion**

29. Based on the forgoing, I submit that there is probable cause to believe that the Boeing and the Gulfstream are subject to seizure and forfeiture, pursuant to 50 U.S.C. §§ 4820(a)(5) and (j), as items subject to controls under, and reexported in violation of, Subchapter I of Chapter 58, Title 50, United States Code, and regulations, orders, licenses, and other authorizations issued thereunder.

30. Accordingly, pursuant to 50 U.S.C. § 4820(j)(2) and 18 U.S.C. § 981(b), I respectfully request that the Court issue a seizure warrant authorizing the seizure of the Boeing and the Gulfstream.

**/s Alan Fowler** (By Court with Authorization)

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ALAN FOWLER  
Special Agent  
Federal Bureau of Investigation

Sworn to me by reliable electronic means  
on this 6th day of June, 2022.



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THE HONORABLE SARAH L. CAVE  
United States Magistrate Judge  
Southern District of New York

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York  
By: JOSHUA A. NAFTALIS  
MICHAEL D. LOCKARD  
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:  
Defendants-in-rem. :  
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**WARRANT OF SEIZURE  
PURSUANT TO 50 U.S.C. § 4820 and 18 U.S.C. § 981**

TO: ANY DESIGNATED OFFICER OF THE FEDERAL BUREAU OF  
INVESTIGATION, AND/OR ANY LAW ENFORCEMENT OFFICER  
AUTHORIZED BY LAW

An Affidavit having been made before me by Alan Fowler, a Special Agent with  
the Federal Bureau of Investigation, that he has reason to believe that the above-captioned property

is subject to seizure and forfeiture, pursuant to 50 U.S.C. §§ 4820(a)(5) and (j) and 18 U.S.C. § 981, and as I am satisfied that there is probable cause to believe that the property so described is subject to seizure and civil forfeiture, pursuant to 50 U.S.C. §§ 4820(a)(5) and (j) and 18 U.S.C. § 981;

YOU ARE HEREBY COMMANDED AND AUTHORIZED, within fourteen (14) days of the date of issuance of this warrant of seizure for the property described below, to transmit this warrant of seizure for the property described below to the U.S. Department of Justice's Office of International Affairs for transmission to the central authority of any foreign state for service in accordance with any treaty or other international agreement, or to seize the property described below by serving a copy of this warrant of seizure upon any person presently in possession of the property:

A BOEING 787-8 DREAMLINER AIRCRAFT, BEARING TAIL NUMBER P4-BDL AND MANUFACTURER SERIAL NUMBER 37306, and

A GULFSTREAM G650ER AIRCRAFT, BEARING TAIL NUMBER LX-RAY AND MANUFACTURER SERIAL NUMBER 6417;

YOU ARE FURTHER COMMANDED AND AUTHORIZED to prepare a written inventory of the property seized and promptly return this warrant and inventory before this Court as required by law.

SO ORDERED.

Dated: New York, New York  
June 6, 2022



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THE HONORABLE SARAH L. CAVE  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK