



*If you have any questions
about this Update,
please contact:*

JAMES GLASSER
203.498.4313
jglasser@wiggin.com

CLAIRE COLEMAN
203.498.4305
ccoleman@wiggin.com

*This publication is a
summary of legal principles.
Nothing in this article
constitutes legal advice,
which can only be obtained
as a result of a personal
consultation with an
attorney. The information
published here is believed
accurate at the time of
publication, but is subject to
change and does not purport
to be a complete statement
of all relevant issues.*

U.S. Files Criminal Complaint Against Individual for Alleged ITAR Violations

On November 4, 2015, the United States Attorney's Office for the Central Division of the District of Utah filed a criminal complaint against a citizen of India, Kolar Rahman Anees Ur Rahman, alleging that he violated the Arms Export Control Act (AECA), 22 U.S.C. § 2778 and its implementing regulation, the International Traffic in Arms Regulations (ITAR), which authorize the President (and State Department by delegation) to control the export of U.S. military technologies. Specifically, the criminal complaint states that Mr. Rahman unlawfully and willfully attempted to export to Belarus .308 Caliber sniper rifles, a defense article controlled under the ITAR and requiring a State Department license or authorization for export. Belarus is a prohibited country under 22 CFR §126.1 of the ITAR, meaning that exports of any ITAR-controlled defense article to Belarus are barred.

The criminal complaint resulted from an undercover operation during which Mr. Rahman communicated with an undercover Special Agent with the Department of Homeland Security, requesting the purchase of the sniper rifles in the U.S. for export to Belarus. The complaint alleges that during the course of telephone, email and Skype chat communications, Mr. Rahman informed the undercover agent that he was aware that it was illegal to export the sniper rifles from the U.S. to Belarus. Despite additional warnings from the undercover agent regarding the illegality of the transaction, Mr. Rahman agreed to purchase ten rifles and ammunition for approximately \$66,285.00. In September 2015, he sent the undercover agent a check for \$13,357.00, a down payment for the ten rifles and ammunition, the balance of which was to be paid when the rifles arrived in Belarus. On November 4, 2015, the undercover agent eventually met Mr. Rahman in person to discuss the shipment of the rifles to Belarus, and reminded Mr. Rahman that he could not obtain an export license from the State Department for a shipment to Belarus, and therefore would be required to make misrepresentations on the paperwork as to where the rifles would be shipped. Mr. Rahman informed the undercover agent that he understood and wanted to complete their business transaction by illegally exporting the rifles to Belarus. On the same day, the U.S. Attorney's Office filed the criminal complaint and affidavit in support of Mr. Rahman's arrest.

This criminal complaint is the latest example of U.S. law enforcement prioritizing efforts to identify and prosecute individuals and corporations attempting to unlawfully export ITAR-controlled defense articles. Willful export violations may result in criminal fines for individuals or corporations of up to one million dollars per violation, and individuals may be sentenced to up to 20 years in prison. Additional civil monetary penalties may be imposed.

© 2015 Wiggin and Dana LLP In certain jurisdictions this may constitute attorney advertising.