

**The Honorable
Judge David C. Godbey
1100 Commerce Street
Room 1358
Dallas, TX 75242-1003
Via Facsimile: +1 214-753-2707**

Reference: Chichakli vs Szubin, Case No 3-06-CV-1546-N

Your Honor:

My name is Richard Chichakli, a plaintiff in the above reference cause and I am writing you to make you aware of material facts of grave importance to the matter on hand, and which has been omitted from the records.

I am making this statement in absentee because I am at the present time in the Syrian Arab Republic and being denied the right to return to the United States and was refused help by the Embassy of the United States in Damascus. I am making this statement because my lawyer is not aware of the facts I am presenting before you, nor I am able, considering my circumstances in here, to communicate to him these facts collectively, in a clear, concise, and correct manners. I further declare that the following statement I am making is true and correct under the penalty of perjury.

The following describe facts that are known to the government; however they are being withheld from the court for being detrimental to the government case:

1. The government is withholding information that the United States government did not include my name and did not report any assets of mine to the United Nations to be frozen in the US; however, under a particular agreement with the government of Syria I was reported frozen in Syria where I have no assets whatsoever and where my mother's retirement account was frozen instead because I was a signee on that account. The assets frozen from me were reported by the United States government under the name of Victor Bout. *See UNSC report S/2006/379, Table-6*
2. The government is withholding information related to the **illegal sales of assets** and liquidation of my accounting practice and its records, and which was capable of proving where I was and what I was doing during the period the government alleges that I was an employee of Victor Bout. The liquidation of the assets that were supposed to be frozen contradicts the statement made by OFAC to the court concerning OFAC's role as to the "safekeeping of frozen assets."

3. The government is withholding information about the **illegal search and seizure** of evidence from my residence at 2625 Van Buren, Plano, which was searched without a search warrant and without an inventory for all the files and documents removed from there. The government illegally searched my house and illegally obtained evidence that is been used in this case.
4. The government is withholding information related to the lack of reporting the entire material being seized during the execution of the search warrant in 811 S. Central Expressway within the inventory as required by the search warrant.
5. The government is withholding information about approximately **US \$500,000 of missing inventory** that was removed from the safe of my office along with documents and files. These materials are not included in the search warrant inventory in violation of the warrant.
6. The government is withholding the report of Deidre Ward the managing director of AirCess, AirPass, Metavia Airlines, and Center African Airlines, which are the companies the government alleges that I was managing. Wards' testimony provide detailed information about Bouts operations and which details state that I was not an employee of the above stated entities as the government alleges. Mention of that report was given to me by OFAC in their response to my request for reconsideration. *See OFAC letter dated April 12, 2006, Page-3, paragraph-3*
7. The government is withholding the statement of Victor Bout's counselor given to the Belgian authority in testimony that I was not an employee of Victor Bout as the government alleges in this case. *See Nathalie Piret statement to Belgian Police. The documents were copied from my web site and referenced to the court, Page-4 attached.*
8. The government is withholding the financial and bank records obtained from my residence and my office proving that I have not received salaries or payments from Victor Bout during the 15 years of alleged employment. *See bank and tax records for the years 1990-2005 obtained from my office and residence withheld by OFAC.*
9. The government is withholding the telephone records obtained from the house of my ex-wife which prove that I was not managing the day-to-day activities of the so-called global empire remotely by phone or fax or by any other means. *See telephone records obtained from my ex-wife's residence in Richardson and are being withheld by OFAC.*
10. The government is withholding the Community Credit Union (now ViewPoint Bank) bank records of Sanair-USA which prove the falsity of government allegations of my alleged role in Bout's organization. *See bank and tax records obtained from my office and withheld by OFAC*
11. The government is withholding information about my employment with the U.S. Dept. of Justice in 1998 which proves that what is in the resume the government alleges to be

mine is wrong and is known to the government to be wrong. *See employment and tax records obtained from my office and withheld by OFAC.*

12. The government is withholding information about my service in the United States Army since 1990 which proves that I could not be an employee of Victor Bout as falsely alleged in the UN report S/2000/1225 and which forms the back-bone of the government case. *See employment and tax records obtained from my office and withheld by OFAC*

I further state for the records that:

- The government seized all my records and since then refused to release to me any of them, and as such hindered my ability to defend myself and prove the falsity of their allegations. My financial, business, and bank records can show the falsity of the government allegations.
- The government is refusing to respond to my repeated request concerning the one-half of a million dollar missing from the inventory seized by the government, and up to this minute more than \$500,000 in diamond, cash, collectibles, and valuables are still missing. the n a year
- OFAC made several incorrect and false statements to the court including:
 - a- OFAC's statement to the court claimed that OFAC accompanied by the FBI searched my residence located in the city of Richardson, which is, in fact not my residence at all. I reside, and resided then in the city of Plano, namely at 2625 Van Buren, Plano, TX and that was known to OFAC and the FBI because they have also searched that location but without a warrant and OFAC acknowledges this fact as evidenced by the License issued to me on the day of the raid under number LB-8, included herewith. The government knowingly and falsely claimed that I resided at 225 Syracuse Place, Richardson, TX in order to obtain a search warrant for my ex-wife's residence.
 - b- Contrary to OFAC statement, all government searches were conducted in my absence where I was FORCED to leave the premises. I did not agree to leave willingly as OFAC stated but was forced by the FBI to leave the premises.
 - c- Statement concerning living expenses where OFAC stated that I was allowed to draw \$2,000 from my account. The truth is I was not allowed to draw money nor was I permitted to withdraw any of my money to support my living expenses. The records of the Community Credit Union (now ViewPoint Bank) will support my statement and the falsity of OFAC's testimony.
 - d- The government falsely stated that I created several key firms for Victor Bout in the United States. What I created for Victor Bout in the United States in 2000 was one commercial entity named Sanair and which did not conduct or participate in any of Bout's business or activities, nor has it received payment for arms or any other alleged illegal activities and it was closed by the end of tax year 2001. In addition to a non-for-profit organization called CAD Fund and which idea Victor Bout abandoned after he

became insolvent in 2001, and he was removed from its board then. None of these two firms under my control were “Key” to any Bout’s business.

- e- OFAC refused to allow the payment of any taxes including property taxes, employment taxes, income taxes, and franchise taxes from my fund, and refused to allow the payment of vendors’ bills including the water and electric bills despite being incurred prior to the freezing of my accounts, and contrary to OFAC’s testimony concerning their alleged permission that was given to me to “maintain living”. The payments of taxes are particularly and namely permitted by the UN under the resolution OFAC is using as an excuse to support their action. *See UNSC Resolution 1521*
 - f- OFAC refused to allow me to obtain employment and denied me the right to work to support my living expenses contrary to what they stated. For a matter of fact OFAC has written to Texas State Board of Public Accounting to pressure them to cancel my CPA license more than a year prior to the conclusion of their alleged investigation.
 - g- OFAC stated in paragraph-35 of their statement to the court that they were obligated to freeze my assets because I was named by the UN; however, OFAC omitted mentioning that I was added to the UN list at the request of OFAC themselves. They caused the action and then used it as an excuse.
 - h- OFAC stated that I was afforded the due process. I was penalized before I was determined guilty of anything, and I am yet to be even charged with any wrong doing despite the passing of nearly two years since my life was assassinated on 4/26/2005. The person is presumed innocent until proven guilty, not the opposite. OFAC destroyed my life, my family, my business, and my reputation, and after confiscating my records and denying me access to them asked me to defend myself with nothing. So I did, and wrote what I know in my letter for reconsideration just to later receive an answer from OFAC where OFAC made up four assumptions of their own and answered to those instead of answering to what I wrote. *Both letters are attached herein.*
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- I Richard Chichakli hereby testify that I was not at any given time an employee of Victor Bout’s companies including Aircess, Airpass, Metavia Airlines, and Central Africa Airlines in the capacity the government alleges, and I never received employment salaries or benefits from these entities.
 - I know Mr. Victor Bout and I possess knowledge about his business dated to 1995 and 1998. My knowledge is pertinent to these particular years and is in the context I described in my reconsideration letter to the government. It is no crime that I know Victor Bout.
 - Victor Bout was my friend since 12 years ago and he remained as such until 2003
 - I helped Victor Bout to support his family expenses when he was bankrupt in 2001 and 2002 by giving him access to my credit cards and which he used to buy groceries, food, and necessities as seen in the credit card statements submitted to the court by the government. Victor Bout was not under sanctions by anybody when I helped him

- I did not do business with Victor Bout in since he was sanctioned in 2004 nor have I helped financially.
- I have never knowingly helped, supported, transacted for, or facilitated any of the alleged arms trafficking business of Victor Bout or anyone else, whether I was in or outside the United States. None of the businesses I own or control had ever participated in any illegal business related to the alleged arms trafficking business of Victor Bout.
- Airbus Transportation was a Texas company that belonged to me and to Sergey Bout, Victor's brother, and it is neither connected nor owned, nor transacted for Victor Bout. The company was working solely as a contractor helping the United States Armed Forces deployed in the Middle East and I can account for all of its flights, and that the company filed its final tax return at the end of tax year 2004. The government attempts to mix-up Sergey Bout with his brother are unfounded and unsupported, Sergey Bout is not his brother, and should not be targeted by the government in place of Victor Bout.
- The United States government offered me immunity should I agreed to make a "statement" beyond what I know for a fact, in support of their allegations against Victor Bout. I informed the government that I was willing to tell them all the facts I knew about Mr. Victor Bout, in addition to asking him to personally meet with them to testify. The government refused.

I hereby further affirm that the alleged relation between Victor Bout and I as stated in The United Nations report S/2000/1225 is totally false and groundless, and that the UN panel which prepared that report did not contact me or verified the information in violation of paragraph-6 of the same report knowing that contacting me will render the report invalid. I further affirm that during the 10-years the report alleges me to be working for Victor Bout, I was working at the following places:

<u>Year</u>	<u>Place of Work/Employment</u>
1990	United States Armed Forces
1991	United States Armed Forces Embry-Riddle Aeronautical University, FL
1992	United States Armed Forces Embry-Riddle Aeronautical University, FL
1993	United States Armed Forces
1994	Al-Agroobi General Trading - Dubai, UAE
1995	Sharjah Government - Sharjah, UAE

- 1996** Sharjah Government - Sharjah, UAE
- 1997** Account Temps - Dallas, TX
Collin County Community College, Plano, TX
Dallas County Community College, Dallas, TX
University of Texas at Dallas, Richardson, TX
- 1998** US Dept. of Justice - INS, Dallas, TX
Daytona Pools, Inc. Arlington, TX
Account Temps - Dallas, TX
Dallas County Community College, Dallas, TX
University of Texas at Dallas, Richardson, TX
- 1999** Chichakli, Hickman-Riggs & Riggs. Plano, TX
University of Texas at Dallas, Richardson, TX
Dallas County Community College, Dallas, TX
- 2000** Chichakli, Hickman-Riggs & Riggs. Richardson, TX
University of Texas at Dallas, Richardson, TX
Dallas County Community College, Dallas, TX
Collin County Colleges, Spring Creek Campus, Plano TX

Copy of this document is being sent to the Plaintiff's attorneys via facsimile +12143582851 and to Defendant's attorney via facsimile +12023187589. Originals are to follow via courier.

Signed on this 5th day of February 2007

Richard A. Chichakli

Plaintiff