

Thursday, June 02, 2005

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Via facsimile: 202 622-1657

**Subject: Response to OFAC in support of reconsideration
of the designation of Richard Chichakli**

On April 26th, 2005 you unjustifiably blocked my assets and assassinated my life, destroyed my family and business using a groundless internet articles as evidence and basis to your unconstitutional act. On April 27th, 2005 I requested in writing that you show me the basis supporting your act, and not until two weeks later you provided me a copy of what you called evidence supporting your position. This is my response to every single piece of “evidence” you provided.

The basis of blocking are invalid, incorrect, and misstated due to timing, accuracy, and completeness OFAC alleged evidence provided to Richard Chichakli are nothing more than internet chat-rooms imaginary stories, repeated prints of unsubstantiated magazine and newspaper articles; non of which provided a single shred of corroborated evidence, and a false and proven-materially-misstated United Nation Report.

Notwithstanding the questionable constitutionality of the act, here is the summary of the material defects in OFAC used evidence:

1- Timeliness:

- a. The date of all material used by OFAC to designate Richard Chichakli including any established relations between Victor Bout and Richard Chichakli are dated prior to July 23, 2004 the date of Victor Bout’s designation and as such cannot be held against Richard Chichakli
- b. The treasury had no proof, nor have presented any evidence to support that business relations existed between Richard Chichakli and Victor Bout in violation of the executive order exist.

- c. The Treasury's decision to designate Richard Chichakli as a business associate of Victor Bout and an alleged "Financial Manager" is groundless and lacks the any and every legal support and proof that such relation ever existed. Chichakli had never actually held a position for any length of time in any of Victor Bout's organizations whether as a Financial Manager or anything else. The Resume the treasury used alleging to be Chichakli's own resume is false and incorrect. Chichakli was in the United States throughout the time frame the treasury alleging that he was an employee of Bout.
- d. The dates, times, and events used as basis to set the designation are incorrect and inaccurate. Most of the materials cited as exhibits are re-run or reprint of previous articles, with slight modifications; however, they are all based on the United Nation report of 2000 which is, by its entirety incorrect, with all dates and times are falsely and intentionally misstated to serve certain purpose the writer's may have intended. Such material misstatement include:
 - i. Chichakli cannot have met Victor Bout in 1993 in Sharjah Airport International Free Zone as stated in the Treasury citing and the UN Report, because the Free Zone did not exist until September of 1995! There was no such free zone, nor Chichakli knew Victor Bout in 1993
 - ii. Richard's cannot have worked for "long years" for Victor Bout as cited by the treasury using the internet information, because the total period Richards worked in the free zone was One year from June 1995 to June 1996
 - iii. The dates related to the establishment of various Victor Bout's air Companies are incorrect and falsely stated.

All of the events were Richard Chichakli have had business relation to Victor Bout occurred PRIOR to the designation of Victor Bout. The ground of designating Richard Chichakli, is baseless and should the blocking is not removed we shall show in court that the treasury FAILED to apply the due process as it failed to at least attempt to substantiate any of the information they collected from a known unreliable source, being the internet, and rushed to act with prejudice against an Arab-American US citizen without having a single substantial evidence, because Richard Chichakli was an Arab-American. The treasury had never, ever attempted to do the same procedure with the US-Born business manager of the Bin Laden family in comparison.

2- Correctness:

- a. The resume attached as Exhibit E-6 as basis to establish employment relation between Richard Chichakli and Victor Bout is incorrect and does not reflect the true resume of Richard Chichakli. The UN Report [Exhibit

AA: UN s/2000/12225] are incorrect by its entirety regarding all-matters stated about Richard Chichakli and his relation to Victor Bout. The alleged capacity of Richard Chichakli to Victor Bout's organization stated in the reports are totally false and made-up by the writer of the said UN report, and has no relation to reality by any means. The material departure from truth; is rather give rise to whether the report was intentionally misstated to create the alleged relations considering:

- i. Neither Johan Peleman, the signer of the report, nor anyone else from the United Nation team has ever attempted to contact Chichakli or verify the accuracy of the alleged "Chichakli's Resume" or any of the information Johan Peleman inserted in the said report.
- ii. Contrary to the report, Chichakli was not a CFO, Financial Manager, or had ever employed in such capacity by Victor Bout or any of his organizations neither during the dates stated in the UN Report and without verification used by OFAC, nor during any other time.
- iii. The treasury, again, gravely failed to exercise the NECESARRY due diligence, even at the minimum where they could have clearly found from records maintained by the treasury that:
 1. Richard was physically present in the United States and cannot be running a CFO function or any other functions half-way around the globe.
 2. Richard was a full-time employee in the United States, by several US entities, including the Department of Justice among others.
 3. Richard was a part-time faculty of accounting at Collin county community colleges during the same time
 4. Richard was running a full-time public accounting practice and had hundreds of clients who met with him on a daily basis.
- b. The unsubstantiated internet, newspaper, and magazine reports upon which the Treasury based their decision without the presence of any corroborated real evidence, are manufactured by the those who wrote them for the purpose of keeping the interest in Victor Bout's story the highest possible in order to attain higher personal financial benefits.
- c. The NY Times magazine article and which was used by the treasury is INCORRECT and was intentionally written as such by Peter Landsman in order to secure the Victor Bout Hollywood movie deal he arranged and benefited from. Both Landsman Douglass Farah, the writer of the second (among the three reports) used by the treasury is also involved in multi-million dollar second Hollywood movies about Victor Bout. It is important to see that both so-called writers are directly benefiting from

making-up a “big story” to sell regardless of any truth. The treasury NEVER attempts to ask any of those Internet or Hollywood writers of whether they have a proof, evidence, or even a ground in support of what they wrote. The due diligence require the government to substantiate any alleged wrongdoing before damaging beyond repair the life of the citizens

- d. Furthermore, OFAC report alleging based on a media report [Exhibit E-2] that Chichakli have created AirBas for Victor Bout using the information created by Johan Peleman, the writer of the false UN Report of 2000 in his 2003 UN report. OFAC report lacks the substance and the truth, same to the report upon which the allegations was founded. Chichakli created AirBas Transportation, Inc neither for Victor Bout, nor anyone else. Chichakli created AirBas for the purpose of initiating a US-based airlines that would fly passengers, non-stop, between the United States and India. The rout details were researched, data was collected, and presentation about the proposed airlines was made to several entities for the purpose of prospecting. Details about the purpose, rout, ownership, and investors who were prospected are all available to defeat any of the statements made to claim that Victor Bout own AirBas or any stake in the entity

3- Completeness:

- a. The basis cited by the Treasury was intentionally presented incomplete, as the presentation of the complete story may have further weakened any argument the Treasury may have, and lessening the “importance” of their action. Examples of the intentional presentation of incomplete and misleading facts:
 - i. The treasury combined some unrelated companies together in order to make an argument such as, combining and presenting AirBas Transportation, Inc. of Texas as a version-of, or the same-as some other unrelated and unknown entities such as Air Bass FZE of Sharjah.
 - ii. The treasury presented some un-existing or completely closed corporation and presented them as being active, to build a case argument or support some obsolete internet chat rooms articles. Of course the treasury then included the non-existing entities in the designation list to present the media with an “impressive” list of accomplishment
 - iii. The treasury, and in order to support their false argument against Chichakli, intentionally fail to report that four of the Companies they stated as being used by Chichakli to serve Victor Bout’s business are “Shelf Corporations” with no activities whatsoever. Entities like Daytona Pools, Inc. – a pool cleaning service existed and operated by Richard Chichakli in 1998, I.B. Of America –

never been active, and San Air General Trading LLC – which was closed since 2002 are just an example.

- b. The Treasury SELECTIVELY ignored internet, magazines, and media reports that may contradict what they prejudicially have chosen to use. Particularly reports about alleged corruption surrounding Johan Peleman the writer of the UN 2000 report, and the UN 2003 report.

It is obvious that the Treasury have used Richard Chichakli as a scapegoat, and without a sufficient cause, evidence, or corroborated facts executed his life and terminated his constitutional rights, without even asking him or giving him a chance to defend himself against unfounded “internet” story made by Hollywood writers.

We demand that the treasury designation to be rescind it and the blocking of Richard Chichakli assets be immediately removed. We further shall demand full restitution for financial damages to Richard Chichakli businesses and standing. The undersigned reserves all his rights to litigate the matter regardless OFAC decision.

Signed

Richard Chichakli