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Before: HONORABLE RONALD L. ELLIS  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
	:	
-v.-	:	Violation of
	:	18 U.S.C. § 371
ANNA CHAPMAN, and	:	
MIKHAIL SEMENKO,	:	
	:	COUNTY OF OFFENSE:
Defendants.	:	NEW YORK
----- x	:	

SOUTHERN DISTRICT OF NEW YORK, ss.:

AMIT KACHHIA-PATEL, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI") and charges as follows:

COUNT ONE

Conspiracy to Act as Unregistered Agents of a Foreign Government

1. From in or about the 1990s, up to and including the present, in the Southern District of New York and elsewhere, ANNA CHAPMAN and MIKHAIL SEMENKO, the defendants, and others known and unknown, unlawfully, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Section 951 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that ANNA CHAPMAN and MIKHAIL SEMENKO, the defendants, and others known and unknown, unlawfully, willfully and knowingly, would and did act in the United States as agents of a foreign government, specifically the Russian Federation, without prior notification

to the Attorney General, as required by law, in violation of Title 18, United States Code, Section 951.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about June 26, 2010, ANNA CHAPMAN, the defendant, met with an individual purporting to be a Russian Government official in Manhattan, New York, at which she (CHAPMAN) received a fraudulent passport.

b. On or about June 26, 2010, MIKHAIL SEMENKO, the defendant, met with an individual purporting to be a Russian Government official in Washington, D.C.

(Title 18, United States Code, Section 371.)

The bases for my knowledge and the foregoing charges are, in part, as follows:

4. I have been a Special Agent with the FBI for approximately five years. Currently, I am assigned to the Counterintelligence Division within the New York Field Office of the FBI. The focus of my counterintelligence efforts has been on the foreign intelligence activities of the Russian Federation. I have learned the facts contained in this Complaint from, among other sources, my personal participation in this investigation, my discussions with other law-enforcement agents, searches that I have conducted, surveillance that I have conducted, and my review of documents, video and audio recordings, and other evidentiary materials. Because this Complaint is being submitted for the limited purpose of establishing probable cause, it does not include every fact that I have learned during the course of this investigation. Further, any statements related herein are related in substance and in part only.

**I. THE "ILLEGALS" PROGRAM**

5. The FBI has conducted a multi-year investigation of a network of United States-based agents of the foreign

intelligence organ of the Russian Federation (the "SVR").<sup>1</sup> The targets of the FBI's investigation include covert SVR agents who assume false identities, and who are living in the United States on long-term, "deep-cover" assignments. These Russian secret agents work to hide all connections between themselves and Russia, even as they act at the direction and under the control of the SVR; these secret agents are typically called "illegals." As set forth in more detail in the attached Complaint, see Attachment A, which is incorporated by reference herein, illegals receive extensive training by the SVR before being assigned to a foreign country under a false identity to operate on behalf of Russia. See Complaint ¶¶ 8-9 (describing illegals' training, and use of false identities).

6. The SVR also operates a subset of illegals - who perform the same work as illegals, but operate in foreign countries under their true names. This subset of illegals is generally trained in roughly the same trade-craft as the other illegals (including agent-to-agent communications, invisible writing, and the use of a cover profession), but their training is typically shorter. In addition, these illegals are not generally paired with another illegal.

7. The FBI's investigation has revealed that a network of illegals (the "Illegals") is now living and operating in the United States in the service of one primary, long-term goal: to become sufficiently "Americanized" such that they can gather information about the United States for Russia, and can successfully recruit sources who are in, or are able to infiltrate, United States policy-making circles.

8. The SVR spelled out the purpose of the Illegals' presence in America in a 2009 message to two co-conspirators who are named as defendants in the attached Complaint. That message, which was sent by Moscow Center, has been decrypted by the FBI and reads, in part, as follows:

You were sent to USA for long-term service trip. Your education, bank accounts, car, house etc. - all these serve one goal: fulfill your main mission, i.e. to search and develop ties in policymaking circles in US and send intels [intelligence reports] to C[enter].

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<sup>1</sup> The SVR headquarters in Moscow is known as "Moscow Center" or "Center."

9. Based on the facts set forth below, I believe that ANNA CHAPMAN and MIKHAIL SEMENKO, the defendants, are part of the subset of Illegals who, as described above in Paragraph 7, operate under their true names.

10. I am aware that federal law requires individuals who are acting as agents for foreign governments to notify the Attorney General of the United States. The Department of Justice ("DOJ") maintains files of all individuals who have registered as agents of foreign governments. A recently-conducted review of DOJ files indicates that ANNA CHAPMAN and MIKHAIL SEMENKO, the defendants, have never notified the DOJ that he or she is an agent of the Russian Federation.

**II. MEANS AND METHODS OF THE CONSPIRACY:**  
**COVERT COMMUNICATIONS BY PRIVATE WIRELESS NETWORKS**

11. To further the aims of the conspiracy, Moscow Center has arranged for the defendants clandestinely to communicate with the Russian Federation. In particular, the conspirators have used a number of methods of secret communications. See Complaint III.A. As set forth below, these include covert communications by means of private wireless networks.

12. In general terms, covert communication via a private wireless network is a form of electronic communication through paired laptop computers. Such covert communication utilizes temporary wireless networks that spring up between two computers and can be used to transmit data between them. The way this system typically works is as follows: a laptop computer ("LAPTOP A") is pre-configured to create its own private wireless local area network. This wireless network is programmed to only communicate with another specific laptop ("LAPTOP B"), based on LAPTOP B's Media Access Control ("MAC") address.<sup>2</sup> Once LAPTOP A transmits the signal to establish its own private wireless network, it will be "joined" by LAPTOP B when LAPTOP B comes within a certain physical distance of LAPTOP A. Once the two laptop computers are both on the private wireless network, they can communicate with each other by

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<sup>2</sup> A MAC address is a unique identifying number assigned by a manufacturer to electronic communications devices, such as laptop computers and Wi-Fi network cards. All computers that access the internet through a wireless network do so by publicly broadcasting their MAC addresses via radio transmission in order to locate a device connected to the internet.

exchanging data. The data can be encrypted so that it can only be read with the aid of specialized decryption software, similar to that used to decrypt messages hidden through steganography, as described in the Complaint attached hereto.

1. ANNA CHAPMAN'S USE OF PRIVATE WIRELESS NETWORKS

13. Since in or about January 2010, law-enforcement agents, acting pursuant to judicial orders, conducted surveillance of ANNA CHAPMAN, the defendant, at various locations in New York City. On approximately ten Wednesdays between January 2010 and June 2010, law-enforcement agents observed CHAPMAN in the physical vicinity of an individual ("Russian Government Official #1") who has, on multiple occasions, been observed entering the Russian Mission to the United Nations in Manhattan. Based on my training, experience, and participation in this investigation, I believe that on each of these ten occasions, CHAPMAN and Russian Government Official #1 covertly exchanged electronic communications via a private wireless network, as described above.

14. Set forth below are certain examples of Wednesdays on which ANNA CHAPMAN, the defendant, and Russian Government Official #1, were in the vicinity of each other, in order to exchange electronic messages covertly.

- a. On January 20, 2010, law-enforcement agents, acting pursuant to judicial orders, performed video surveillance on a coffee shop located near the intersection of 47<sup>th</sup> Street and 8<sup>th</sup> Avenue in Manhattan, New York (the "Coffee Shop"). CHAPMAN was seated near the window of the Coffee Shop and had with her a bag (the "Tote Bag"). After approximately ten minutes, I observed a minivan pass by the window of the Coffee Shop. Based on my conversations with another law-enforcement agent, I know that Russian Government Official #1 has been observed driving the minivan, recognized by its license plate, on a number of occasions subsequent to January 20, 2010. As part of the surveillance operation, law-enforcement agents utilized a commercially available tool that can detect the presence of wireless networks. The agents detected the presence of a particular network (the "AD HOC NETWORK") with two associated MAC

addresses ("MAC ADDRESS A" and "MAC ADDRESS B"). Based on my training, experience, and participation in this investigation, I believe that on January 20, CHAPMAN (from the Coffee Shop) and Russian Government Official #1 (from the minivan) used their laptop computers (which bore "MAC ADDRESS A" and "MAC ADDRESS B") to create the AD HOC NETWORK and to use it to communicate with one another.

- b. On March 17, 2010, law-enforcement agents, acting pursuant to judicial orders, performed video surveillance on a book store located in the vicinity of Greenwich and Warren Streets in Manhattan (the "Book Store"). CHAPMAN was inside the Book Store. At the same time, Russian Government Official #1 was across the street from the Book Store, carrying a briefcase. I observed CHAPMAN pull a laptop out of the Tote Bag. CHAPMAN stayed in the Book Store for approximately thirty minutes; Russian Government Official #1 was in the vicinity of the Book Store (but outside) for approximately twenty of those thirty minutes. As part of the surveillance operation, law-enforcement agents utilized a commercially available tool that can detect the presence of wireless networks. Law-enforcement agents were able to detect a particular MAC address - MAC ADDRESS A - at the time that CHAPMAN was observed powering on her laptop computer; law-enforcement agents were also able to determine that the electronic device associated with MAC ADDRESS A created the AD HOC NETWORK. Approximately three minutes after the creation of the AD HOC NETWORK, another electronic device with MAC ADDRESS B was detected joining the AD HOC NETWORK.
- c. On April 7, 2010, law-enforcement agents, acting pursuant to judicial orders, performed surveillance on Russian Government Official #1 starting from the point that he left his office in mid-town Manhattan. According to a law-enforcement agent who was

performing surveillance on Russian Government Official #1, it appeared that Russian Government Official #1 noticed the presence of the surveillance team and returned to his office. As part of the surveillance operation, law-enforcement agents utilized a commercially available tool that can detect the presence of wireless networks. On this occasion, the agents detected the presence of MAC ADDRESS A, but not MAC ADDRESS B. Based on my training, experience, and participation in this investigation, I believe that on April 7, Russian Government Official #1 set out to communicate covertly with CHAPMAN, who was using a laptop computer that bore MAC ADDRESS A - but that he (Russian Government Official #1) aborted his efforts to communicate with CHAPMAN because he detected the FBI's surveillance of him.

- d. On April 21, 2010, May 5, 2010, June 9, 2010, and June 16, 2010, law-enforcement agents, acting pursuant to judicial orders, observed CHAPMAN in the vicinity of Russian Government Official #1. On each of these four occasions, law-enforcement agents discerned the presence of MAC ADDRESS A and MAC ADDRESS B using the commercially-available tool described above, and were able to determine that after the electronic devices associated with MAC ADDRESS A and MAC ADDRESS B joined the AD HOC NETWORK, the electronic devices transferred data between each other.

**B. MIKHAIL SEMENKO'S USE OF PRIVATE WIRELESS NETWORKS**

15. On or about June 5, 2010, law-enforcement agents performed surveillance on MIKHAIL SEMENKO, the defendant, at a restaurant in Washington, D.C. (the "Restaurant"). According to an FBI special agent who was present for the surveillance ("Special Agent-1"), at approximately 11:00 a.m., SEMENKO entered the Restaurant carrying a bag. Approximately ten minutes later, a law-enforcement agent observed a car with a diplomatic license plate for Russia enter the Restaurant parking lot, drive around the parking lot, and then park (the "Car").

The individual seen driving the Car has been identified as a Russian government official ("Russian Government Official #2").<sup>3</sup> The Car remained in the parking lot for approximately twenty minutes and then drove away. Within a few minutes, SEMENKO left the Restaurant.

16. According to Special Agent-1, on June 5, 2010, during the surveillance of MIKHAIL SEMENKO, the defendant, law-enforcement agents, pursuant to judicial order, utilized the same commercially available tool that can detect the presence of wireless networks as described above, that was used during the surveillance operations on ANNA CHAPMAN, the defendant. The device was able to detect the presence of two MAC addresses on an ad hoc network during the time that SEMENKO and Russian Government Official #2 were in the vicinity of each other inside the Restaurant and its parking lot, respectively. Therefore, based on my training, experience, and participation in this investigation, and as further informed by SEMENKO's statements to an undercover agent described below, I believe that SEMENKO was trying to utilize the private wireless network system to communicate with Russian Government Official #2.

**III. ANNA CHAPMAN'S JUNE 26, 2010 MEETING WITH AN UNDERCOVER AGENT POSING AS A RUSSIAN GOVERNMENT OFFICIAL**

17. As set forth in greater detail below, on June 26, 2010, an FBI undercover agent ("UC-1"), purporting to be a Russian consulate employee, arranged a meeting with ANNA CHAPMAN, the defendant, in Manhattan, New York, after telling her that it was urgent to meet with her in order to provide something to her. During this meeting, among other things: (a) CHAPMAN and UC-1 discussed her "Wednesday" covert laptop communication sessions, see supra II.A; (b) CHAPMAN provided UC-1 with her laptop computer, which apparently was having

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<sup>3</sup> Law-enforcement officers have observed the person who appears to be Russian Government Official #2 entering and leaving the Russian Mission. In addition, law-enforcement officials have obtained from the United States Department of State the visa application of an individual identified as a "second secretary" of the Russian Mission. The photograph of the applicant in that visa application is a photograph of Russian Government Official #2.

Furthermore, Russian Government Official #2 was observed, in 2004, engaging in a brush-pass with a co-conspirator named as a defendant in the Complaint at a train station in Forest Hills, New York. See Complaint ¶¶ 53-54.



technical difficulties, so that it could either be fixed, or sent back to Moscow; and (c) UC-1 provided CHAPMAN with a passport bearing a fictitious name, which UC-1 instructed CHAPMAN to provide to another illegal, who was based in New York and who, unlike CHAPMAN, was operating in a false name.

18. On June 26, 2010, at approximately 11:00 a.m., UC-1 placed a consensually-recorded telephone call to ANNA CHAPMAN, the defendant.<sup>4</sup> In that call, which was conducted in Russian, UC-1 stated that he needed to meet with CHAPMAN that day, in order to provide her with something.

19. Later that day, at approximately 12:30 p.m., ANNA CHAPMAN, the defendant, placed a telephone call to UC-1, which was intercepted pursuant to a judicial order. In that call, which also was conducted in Russian, CHAPMAN stated that it would be difficult to meet that day, and asked whether it would be possible to meet the next day instead. UC-1 stated that the meeting was urgent, but agreed to meet with CHAPMAN the following morning. At approximately 1:00 p.m., CHAPMAN again placed a call to UC-1, which call was also intercepted pursuant to a judicial order. In this third call, which was also conducted in Russian, CHAPMAN stated that she would return to New York from Connecticut for a meeting with UC-1 and would call UC-1 at approximately 4:00 p.m. UC-1 directed CHAPMAN to meet at a particular coffee shop in downtown Manhattan, New York.

20. At approximately 4:30 p.m., UC-1 met with ANNA CHAPMAN, the defendant, at the previously agreed upon location in Manhattan. This meeting was recorded by a hidden recording device worn by UC-1. At the outset of this meeting, UC-1 identified himself as the person who had spoken with CHAPMAN on the phone earlier in the day. At the beginning of the meeting, UC-1 and CHAPMAN spoke to each other in Russian, but then UC-1 suggested that they speak in English so as to draw less attention to themselves. Based on my review of the recording of the meeting, I have learned the following:

- a. UC-1 asked, "Tell me how is everything? How are you doing?" CHAPMAN replied, "Everything is cool apart from connection." Based on my training, experience, and participation in this investigation, I believe that this is a reference

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<sup>4</sup> Certain of the recorded conversations referred to in this Complaint were conducted in Russian. The quotations and descriptions of these conversations are based on preliminary translations of the conversations, and are subject to revision.

to the technical difficulties with the laptop-to-laptop covert communications between CHAPMAN and Russian Government Official #1.

- b. CHAPMAN stated, "I just need to get some more information about you before I can talk." UC-1 replied, "I work in the same department as you, but I work here in the consulate. Okay. My name is Roman. My name is Roman, I work in the consulate."
- c. UC-1 stated, "There is a situation that I need your help with tomorrow, which is why it's not like regular email contact or website contact and this could not wait until your Wednesdays, you know." UC-1 then asked, "When was the last Wednesday that you . . . . So this Wednesday, now you will do it?" CHAPMAN replied "no," but stated that it would be "next Wednesday."
- d. UC-1 stated, "I know you are having some problems with the connections. I am not the technical guy . . . . I don't know how to fix it, but if you tell me, I can pass it up. But, basically I know you are going back to Moscow in two weeks. . . . So, ah when you go back they will sit down with you and talk officially about your work, your performance, ah-but, for now I just wanted to see how you are doing, how everything is going and then I have a task for you to do tomorrow."
- e. UC-1 then explained, "[T]his is not like, this is not like the Wednesdays with the notebooks, this is different it is, it is the next step. You are ready for the next step. Okay?" CHAPMAN replied, "Ok."
- f. UC-1 stated, "This had to get done, okay, because I will explain. There is a person here who is just like you okay. But, unlike you, this person is not here under her real name. . . . So she was in the country and to do that we have to give her new documents. Understand? So, I have the documents for you to give to her tomorrow morning. Once you do that, once you give her the document that's it." CHAPMAN replied, "Okay." UC-1 stated, "So, I have it. I can show you, but this is what I mean by next step because this is not laptop to laptop, this is person to person."

She is just like you OK." CHAPMAN then asked, "Is she in New York?" UC-1 then asked, "Are you ready for this step?" CHAPMAN replied, "Shit, of course."

- g. UC-1 asked, "So, tell me the notebooks? Are you still having a problem with the notebook? With the connection?" CHAPMAN replied, "Yes. I thought you were flying back so it is alright." UC-1 stated, "Do you want me . . . well [sic] can give it to consulate if you want them to look at it or you can wait and take it home yourself to Moscow." CHAPMAN stated, "It would be more convenient if I gave you it." Later, in the course of the meeting, CHAPMAN provided the laptop computer to UC-1 (hereafter the "Laptop"). Based on my training, experience, and participation in this investigation, I believe that the Laptop is the computer, which was beset by technical difficulties and which was used for laptop-to-laptop covert communications between CHAPMAN and Russian Government Official #1.
- h. UC-1 described to CHAPMAN where she would need to go the next day at 11:00 a.m. to meet with the person described above in subparagraph (f). UC-1 explained that the purpose of the meeting would be for CHAPMAN to convey a passport bearing a fictitious name (the "Fraudulent Passport"). UC-1 provided the Fraudulent Passport to CHAPMAN during the meeting. As he did so, UC-1 stated: "[s]o this is the passport. This is the person, this is not her real name but you can call her this name if you wish. Okay, this is what she looks like. So, she will come to you, give her the passport and you are done."
- i. UC-1 then stated, "When you are done, I need you to come back here to this location . . . so that I know that everything is okay. . . . You can't see from here, but when I walk out there is a city map . . . . Go to the map after you are done. Come up to the map and, I will give you the thing, all you do is [place a postal] stamp, all you do is put it on the side of the map like you are looking at the map . . . . Just come to the map and put it on the side and then I will check it and I will know that everything is okay."

- j. UC-1 then described how she (CHAPMAN) would recognize the person ("I-1") to whom she (CHAPMAN) was to give the Fraudulent Passport. I-1, UC-1 explained, "will come to you so, so the way that she will know you is, you just hold this in your hand like this. Just hold it in your hand and she will come to you." At the time that UC-1 said this to CHAPMAN, he (UC-1) provided her (CHAPMAN) with a magazine to hold, so that I-1 would recognize her (CHAPMAN) at the meeting where the Fraudulent Passport was to be handed over.
- k. UC-1 then stated that I-1 "will tell you . . . 'excuse me, but haven't we met in California last summer?' And you will say to her, 'No, I think it was the Hamptons.'" CHAPMAN asked, "The Hamptons?" UC-1 stated, "The Hamptons and that is it. That is how you know and you just exchange, just give her the document [that is, the Fraudulent Passport] and then after this I need you to come back, put the stamp and then after this it is all normal schedule, okay, you can go back to Wednesday." UC-1 then asked CHAPMAN to repeat all of his instructions to her, which CHAPMAN substantially did. Specifically, CHAPMAN confirmed, "Okay, tomorrow at 11, I am going to be sitting at one of the benches, she is going to ask me if she saw me in California. I am going to say no, it was in the Hamptons. I will take the documents, tell her to sign. I will hold the journal, this is how she will recognize me and I got back and put the [postal] stamp."
- l. CHAPMAN asked, "You're positive no one is watching?" UC-1 replied, "You know how long it took me to get here? Three hours. So here I am comfortable. But when you go, you know, be careful." Based on my training, experience, and participation in this investigation, I believe that CHAPMAN understood "three hours" as a reference to the time that UC-1 had spent conducting circuitous "surveillance detection routes," to insure that he was not being followed.
- m. Toward the end of the meeting, UC-1 stated, "[Y]our colleagues back in Moscow, they know you

are doing a good job and they will tell you this when they see you. So keep it up."

21. At approximately 6:00 p.m., about an hour after the meeting described above in Paragraph 21 concluded, law enforcement agents conducting surveillance of ANNA CHAPMAN, the defendant, observed the following: CHAPMAN entered a CVS Pharmacy store located in Brooklyn, New York. Thereafter, CHAPMAN entered a Verizon store in Brooklyn, New York. CHAPMAN then left the Verizon store, entered a Rite Aid Pharmacy, and then returned to the Verizon store. After CHAPMAN left the Verizon store for the second time, law enforcement agents observed that she threw a Verizon bag (the "Verizon Bag") into the garbage. After CHAPMAN left the vicinity, law enforcement agents retrieved the Verizon Bag that CHAPMAN had just discarded. Inside the bag, the agents found the following items, among others:

- a. The Verizon Bag contained a customer agreement for the purchase of a Motorola cellphone. The customer agreement was in the name of "Irine Kutsov," and indicated a customer address of "99 Fake Street."
- b. The Verizon Bag also contained the packaging for a "Tracfone" calling card, and for a Verizon calling card. Based on my training and experience, and my involvement in this investigation, I know that both of these calling cards may be used to make international calls.
- c. The Verizon Bag also contained an unopened charging device for the Motorola cellphone indicated on the customer agreement.

22. Based on the foregoing observations by the surveillance agents, as well as my training, experience, and participation in this investigation, I believe that ANNA CHAPMAN, the defendant, following her meeting with UC-1, entered a series of stores to avoid being followed or surveilled. On these same bases, I believe that her use of a false name and address in the customer agreement form, as well as her throwing of the cellphone charger, suggest that CHAPMAN was seeking to use the Motorola cellphone only temporarily so as to avoid detection of her conversations.

23. On June 27, 2010, ANNA CHAPMAN, the defendant, did not appear at the designated time at the location agreed upon in the meeting with UC-1.

VI. MIKHAIL SEMENKO'S JUNE 26, 2010 MEETING WITH AN UNDERCOVER AGENT POSING AS A REPRESENTATIVE OF THE RUSSIAN GOVERNMENT

24. On or about June 26, 2010, an FBI undercover agent ("UC-2"), who was posing as an agent of the Russian Government, placed a call to MIKHAIL SEMENKO, the defendant, at a cellular telephone number used by SEMENKO. That call was recorded pursuant to judicial authorization. At the beginning of the conversation, UC-2 asked SEMENKO, "could we have met in Beijing in 2004?" SEMENKO responded, "Yes, we might have, but I believe it was in Harbin." UC-2 and SEMENKO then arranged to meet at approximately 7:30 p.m. near the intersection of 10<sup>th</sup> Street N.W., and H Street N.W. in Washington, D.C. (The "Washington Street Corner"). During the conversation, which was recorded by a hidden device, UC-2 asked SEMENKO whether SEMENKO remembered "the sign," and SEMENKO responded that he did. Based on my training, experience, and participation in this investigation, I believe that SEMENKO was affirming that he remembered what object he was supposed to carry during any in-person meeting with an SVR operative in order to allow the operative to identify SEMENKO.

25. At approximately 7:28 p.m. on June 26, 2010, UC-2 saw MIKHAIL SEMENKO, the defendant, at the Washington Street Corner. SEMENKO stood at the Washington Street Corner for approximately two minutes before UC-2 walked up to him. The meeting between UC-2 and SEMENKO was recorded by a hidden recording device worn by UC-2. After UC-2 approached SEMENKO, UC-2 repeated the phrase that he had used during the telephone conversation earlier that day, asking SEMENKO whether the two men could have met in Beijing during 2004. SEMENKO again responded that it was possible, but that the meeting had been in Harbin. UC-2 and SEMENKO then exchanged greetings in Russian and walked together to a nearby park (the "Washington Park"). In the Washington Park, UC-2 and SEMENKO sat together on a park bench where they talked to one another for approximately 30 minutes. Among other things, UC-2 and SEMENKO had the following discussions:

- a. UC-2 told SEMENKO that he wanted to discuss SEMENKO's attempted communication at the Restaurant on June 5, 2010. UC-2 told SEMENKO that UC-2 believed the communication attempt had not been successful, to which SEMENKO responded "I got mine." SEMENKO further explained that equipment he had been using for the communication had automatically turned itself off at the end

of the communications session, which SEMENKO stated was a sign that the communication was successful. SEMENKO further explained that, when he turned the equipment on again after it had shut down, he "saw the stuff [he] received," and also said that when the communication went through he was "like . . . totally happy."

- b. UC-2 asked SEMENKO whether he had seen "our officer" during the June 5, 2010 attempted communications. SEMENKO responded, "no, I am not supposed to look, though - I'm not supposed to be looking out."
- c. UC-2 asked SEMENKO to describe the steps SEMENKO took during the June 5, 2010 attempted communication. SEMENKO explained that he had positioned his communications equipment so that it was "open" and so that it was facing "the right direction." SEMENKO further stated that, prior to the communication, he restored his equipment to "default settings," which SEMENKO explained was necessary if SEMENKO had "used [the equipment for [his office]]." In describing how he prepared data for transmission via the ad hoc network, SEMENKO stated, "I just create the file, Zip it . . . ."
- d. UC-2 asked SEMENKO who had trained SEMENKO to use his communications equipment as described above, and SEMENKO responded, "the Center guys, the Center guys." Later in the conversation, UC-2 asked SEMENKO how much time SEMENKO had spent in the "Center," and SEMENKO responded, "ahh . . . a week." When UC-2 indicated that he was surprised that SEMENKO could have been trained on his communications equipment in only one week, SEMENKO responded that he had previously received an additional two weeks of training.
- e. SEMENKO and UC-2 also discussed the safety of SEMENKO's communications equipment. Specifically, UC-2 told SEMENKO that, "as far as the computer goes, [he should] be careful with it, [because] it is very

sensitive." SEMENKO responded that he knew the equipment was sensitive, and that he was being careful with it. In response to a question from UC-2 about how he was keeping his communications equipment safe, SEMENKO responded that he did not have anything that looked suspicious, and that he (SEMENKO) was the only person using the communications equipment. SEMENKO further stated that the one other thing he had was "a book, basically like other books." Based on my training, experience, and participation in this investigation, I believe that SEMENKO was saying that there was nothing suspicious about the outward appearance of his communications equipment, and that the only other item he possessed for that communication was a book, which was largely indistinguishable from other books.

- f. UC-2 asked SEMENKO what he would do with his communications equipment if "something goes down." SEMENKO responded that he would erase the hard drive of the communications equipment. Based on my training, experience, and participation in this investigation, I believe that SEMENKO was saying that, if he were subjected to scrutiny by law-enforcement or intelligence personnel, he would erase the hard drive of the communications equipment.
- g. UC-2 asked SEMENKO about the pre-arranged meeting places that SEMENKO had within the United States for use when SEMENKO received a particular signal. SEMENKO responded that his only meeting place for such occasions was the Russian Consulate in New York City. SEMENKO further explained that, although the Washington Street Corner had been proposed as a potential meeting site, it had never been approved - presumably by Center.

26. After the discussions described above, UC-2 handed SEMENKO a folded newspaper inside which an envelope containing \$5,000 in cash was concealed. UC-2 told SEMENKO, "There is an envelope in there; there is money in it. The money has to go to a park in Arlington tomorrow. It has to be there between 11:00 a.m. and 11:30 a.m." SEMENKO then asked UC-2 for



a description of the location where the money was to be delivered, and UC-2 gave SEMENKO a map which showed the location, including information about a particular spot underneath a bridge where SEMENKO was to deliver and hide the money (the "Drop Site"). After SEMENKO indicated that he had memorized the information from the map, he gave it back to UC-2 to be destroyed.

27. At the end of the June 26, 2010 meeting between UC-2 and SEMENKO, UC-2 asked SEMENKO whether he had any last concerns. SEMENKO responded that he wanted UC-2 to "figure out" the problem with the communications via the private wireless network. The meeting concluded with SEMENKO asking UC-2 whether he was now going to report the communications problem to "them."

28. On or about June 26, 2010, the FBI installed video surveillance cameras in the vicinity of the Drop Site. The footage recorded by those cameras reflects the following:

- a. At approximately 11:00 a.m., MIKHAIL SEMENKO, the defendant, approached the area of the Drop Site by crossing over the bridge underneath which the Drop Site is located. SEMENKO's face is clearly visible in the footage from one of the cameras, and SEMENKO can also be seen carrying a white bag.
- b. Video footage recorded at approximately 11:06 a.m. shows SEMENKO removing from the white bag the newspaper concealing an envelope containing \$5,000 that UC-2 had given to SEMENKO the previous day. That footage also shows SEMENKO placing the newspaper in the Drop Site.
- c. At approximately 11:07 a.m., SEMENKO is seen for the last time on the video footage from the vicinity of the Drop Site. The footage does not reflect SEMENKO leaving the area by crossing back over the bridge on which he had originally arrived.

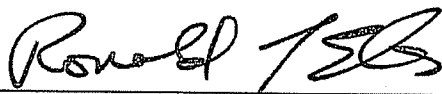
29. At approximately 11:50 a.m., FBI agents searching the Drop Site recovered the newspaper that MIKHAIL SEMENKO, the defendant, had placed there, and which UC-2 had given to SEMENKO the previous day. When the agents opened the newspaper, they found it to contain the envelope containing \$5,000 that had been inside the newspaper when UC-2 had given it to SEMENKO the previous day.

WHEREFORE, deponent prays that a warrant be issued for the arrests of ANNA CHAPMAN and MIKHAIL SEMENKO, the defendants, and that they be arrested and imprisoned, or bailed, as the case may be.



AMIT KACHHIA-PATEL  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
27<sup>th</sup> day of June, 2010



UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK