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F. # 9501292
IVANWIR1.AFF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES FOR AN ORDER
AUTHORIZING THE INTERCEPTION OF
WIRE COMMUNICATIONS OCCURRING
TO AND FROM CELLULAR TELEPHONE
NUMBER (917) 859-2012, BEARING
ELECTRONIC SERIAL NUMBER
C31CB48, SUBSCRIBED TO BY
MEDIA WAVES, 90 WEST STREET,
NEW YORK, NEW YORK.

A F F I D A V I T

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SOUTHERN DISTRICT OF NEW YORK, SS:

LESTER R. MCNULTY, Special Agent of the Federal Bureau
of Investigation ("FBI"), being duly sworn, deposes and says as
follows:

1. I am an "investigative or law enforcement officer
of the United States" within the meaning of Title 18, United
States Code, Section 2510(7), that is, an officer of the United
States who is empowered by law to conduct investigations and to
make arrests for offenses enumerated in Title 18, United States
Code, Section 2516.

2. I have been a Special Agent with the FBI for
approximately eleven years. On May 1, 1994, the FBI formed C-24,
also known as the Russian Organized Crime Squad, in New York City
to investigate Russian Organized Crime ("ROC"). I have been
assigned to C-24 since its inception. Previously, I was assigned
to C-6, also known as the Asian Organized Crime Squad, in New

York City. C-6 investigated Russian and other non-traditional organized crime as well as Asian Organized Crime. I have also been assigned to foreign counter-intelligence squads, which focused chiefly on clandestine activities of representatives of the Soviet Union (and its successor states) in the United States.

3. As a Special Agent, I have participated in numerous organized crime investigations, during which I have conducted or participated in physical and electronic surveillances, undercover transactions and executions of search warrants. I have debriefed sources and confidential sources and reviewed numerous recorded conversations. Through my training, education and experience, I have become familiar with the manner in which members and associates of organized crime, including ROC, conduct their illegal activities, including their efforts to avoid detection by law enforcement. I also have extensive experience in analyzing telephone traffic in organized crime and narcotics investigations through the use of pen registers, telephone pager-monitors and electronic surveillance.

4. For almost two years, I have personally participated in an intensive investigation of ROC which has been conducted by the FBI and the Royal Canadian Mounted Police (the "RCMP"). I am fully familiar with the information developed during the course of that investigation as well as that contained herein.

5. I make this affidavit in support of an application for an order authorizing the interception of wire communications

concerning offenses enumerated in 18 U.S.C. § 2516, that is: (a) offenses involving collection of funds through extortion, and conspiracy and attempt to do the same, in violation of 18 U.S.C. § 1951; (b) offenses involving the distribution of narcotic drug controlled substances and the use of any communications facility, in violation of 21 U.S.C. §§ 841(a)(1) and 843(b); and conspiracy and attempt to do the same, in violation of 21 U.S.C. § 846; and (c) aiding and abetting the offenses described in (a) and (b), in violation of 18 U.S.C. § 2.1/

6. Based on the facts set forth below, there is probable cause to believe that: (a) the offenses set forth in paragraph 5 above are being committed and will continue to be committed by VYACHESLAV KIRILLOVICH IVANKOV, a/k/a "Yaponchik," EDUARD IVANKOV, a/k/a "Edik,"^{2/} VYACHESLAV SLIVA, a/k/a "Slava," JOSEPH SIGALOV, IRENE KOMISAR and others whose identities are presently unknown; (b) the particular wire communications of VYACHESLAV KIRILLOVICH IVANKOV, a/k/a "Yaponchik," EDUARD IVANKOV, a/k/a "Edik," VYACHESLAV SLIVA, a/k/a "Slava," JOSEPH SIGALOV, IRENE KOMISAR and others as yet unknown concerning these offenses will be obtained through the interception of wire communications occurring to and from

^{1/} Section 2 of Title 18, United States Code, is not a predicate offense under 18 U.S.C. § 2516.

^{2/} VYACHESLAV KIRILLOVICH IVANKOV has a son and a nephew nicknamed "Edik." The named interceptee in this affidavit is IVANKOV's nephew. As set forth in more detail below, the RCMP intercepted IVANKOV's nephew, "Edik," speaking to IVANKOV on the SUBJECT TELEPHONE.

CELLULAR TELEPHONE NUMBER (917) 859-2012, BEARING ELECTRONIC SERIAL NUMBER C31CB48; SUBSCRIBED TO BY MEDIA WAVES, 90 WEST STREET, NEW YORK, NEW YORK (the "SUBJECT TELEPHONE") in the commission of those offenses; (c) evidence of these offenses, including (i) the nature, extent and methods of operation of the illegal activities of VYACHESLAV KIRILLOVICH IVANKOV, a/k/a "Yaponchik," EDUARD IVANKOV, a/k/a "Edik," VYACHESLAV SLIVA, a/k/a "Slava," JOSEPH SIGALOV, IRENE KOMISAR and others as yet unknown; (ii) the identities and roles of accomplices, aiders and abettors, co-conspirators, participants and victims in their illegal activities; (iii) the distribution and transfer of the contraband and money involved in those activities; (iv) the existence and location of records; (v) the existence, location and source of resources used to finance their illegal activities; (vi) the existence, location and disposition of the proceeds from those activities; and (vii) the existence and locations of items used in furtherance of those activities, will be obtained through the interception of wire communications occurring to and from the SUBJECT TELEPHONE which has been and is being used by VYACHESLAV KIRILLOVICH IVANKOV, a/k/a "Yaponchik," EDUARD IVANKOV, a/k/a "Edik," VYACHESLAV SLIVA, a/k/a "Slava," JOSEPH SIGALOV, IRENE KOMISAR and others as yet unknown in the commission of those offenses. The requested order is sought for a period of time until the interception fully reveals the manner in which the above described offenses are being committed, or for a period of 30 days, whichever occurs first, pursuant to 18 U.S.C. § 2518.

7. This case is currently being investigated by Special Agents of the FBI. It is anticipated that during the requested electronic surveillance, all monitoring will be performed by Special Agents of the FBI, and government employees or individuals operating under a contract with the government who will be acting under the supervision of investigative or law enforcement officers authorized to conduct the interception.

8. It is requested that, if necessary, certain other individuals be authorized to assist in conducting this electronic surveillance and to receive disclosure of intercepted communications. Thus, if individuals conversing over the SUBJECT TELEPHONE communicate with each other in some language other than English, and if Special Agents of the FBI who understand that language are not reasonably available to monitor such conversations, it may be necessary to secure the services of translators in order to assist in monitoring the electronic surveillance and translating the intercepted communications. All such persons will be directly supervised by agents of the FBI.

9. I have personally participated in the investigation of the offenses referred to in paragraph 5 above, and from my personal participation in this investigation and from reports made to me by other Special Agents of the FBI, as well as other law enforcement authorities, including the RCMP, I am familiar with the facts and circumstances of this investigation. Based upon this knowledge, I allege the facts contained in the paragraphs below to demonstrate that:

Subjects and Offenses

(a) There is probable cause to believe that VYACHESLAV KIRILLOVICH IVANKOV, a/k/a "Yaponchik," EDUARD IVANKOV, a/k/a "Edik," VYACHESLAV SLIVA, a/k/a "Slava," JOSEPH SIGALOV, IRENE KOMISAR and others as yet unknown have committed, are committing and will continue to commit the following: (i) offenses involving collection of funds through extortion, and conspiracy and attempt to do the same, in violation of 18 U.S.C. § 1951; (ii) offenses involving the distribution of narcotic drug controlled substances and the use of any communications facility in furtherance of a narcotics offense, in violation of 21 U.S.C. §§ 841(a)(1) and 843(b); and conspiracy and attempt to do the same, in violation of 21 U.S.C. § 846; and (iii) aiding and abetting the offenses described in (i) and (ii), in violation of 18 U.S.C. § 2.

The Subject Cellular Telephone

(b) There is probable cause to believe that VYACHESLAV KIRILLOVICH IVANKOV, a/k/a "Yaponchik," EDUARD IVANKOV, a/k/a "Edik," VYACHESLAV SLIVA, a/k/a "Slava," JOSEPH SIGALOV, IRENE KOMISAR and others as yet unknown will be communicating during the period of interception over the SUBJECT TELEPHONE in furtherance of, in connection with, to facilitate, to accomplish, to discuss and to commit the offenses described in paragraph (a) above.

Objectives

(c) There is probable cause to believe that the interception of wire communications, the authorization for which is sought herein, will reveal: (i) the nature, extent and methods of operation of the illegal activities of VYACHESLAV KIRILLOVICH IVANKOV, a/k/a "Yaponchik," EDUARD IVANKOV, a/k/a "Edik," VYACHESLAV SLIVA, a/k/a "Slava," JOSEPH SIGALOV, IRENE KOMISAR and others as yet unknown; (ii) the identities and roles of accomplices, aiders and abettors, co-conspirators, participants and victims in their illegal activities; (iii) the distribution and transfer of the contraband and money involved in those activities; (iv) the existence and location of records; (v) the existence, location and source of resources used to finance their illegal activities; (vi) the existence, location and disposition of the proceeds from those activities; and (vii) the existence and locations of items used in furtherance of those activities. In addition, these wire communications are expected to constitute admissible evidence of the commission of the above-described offenses.

Prior Applications

(d) On September 28, 1994, the Honorable Justice Ewaschuk in Toronto, Canada issued an order, pursuant to the Privacy Act, Part Six of the Canadian Criminal Code, authorizing the RCMP to intercept electronic and oral communications of numerous ROC subjects, including JOSEPH SIGALOV, for the period October 4, 1994 through December 2, 1994. Justice Ewaschuk

issued renewal orders on December 2, 1994 and January 28, 1995. The renewal orders also included VYACHESLAV SLIVA, a/k/a "Slava," as a named interceptee.

(e) I have been advised that a review has been made of the electronic surveillance indices of the FBI on March 20, 1995 and of the Drug Enforcement Administration on or about March 20, 1995. I am not aware of any other applications that have sought interception of electronic, wire or oral communications with respect to the named interceptees or facility.

(f) Normal investigative procedures have been tried and have failed, reasonably appear likely to fail to achieve all the goals of this investigation if tried, or are too dangerous to employ.

Basis of Information

10. The statements contained in this affidavit are based in part on my experience and training as an agent of the FBI; on information provided by Special Agents of the FBI, members of foreign law enforcement agencies, including the RCMP, and law enforcement officers with other federal, state and local agencies; and on information provided by confidential sources. I have reviewed investigative reports and intercepted conversations relating to this case. I have also done a significant amount of research and study concerning the operation of Russian Organized Crime in the United States, Canada, Europe and Russia. Throughout this affidavit, I will refer to information received from other Special Agents of the FBI and law enforcement

authorities who have been or are currently receiving information from confidential sources and electronic surveillances.

11. Since this affidavit is being submitted for the limited purpose of securing authorization for the interception of wire communications, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish the necessary foundation for an order authorizing the interception of wire communications.

Source of Probable Cause

A. Summary of Investigation

12. VYACHESLAV KIRILLOVICH IVANKOV, a/k/a "Yaponchik" ["Little Japanese"] belongs to an elite group of high-level criminals known in the Soviet Union and its successor states as "thieves in law." He leads an international criminal organization that commits a wide array of crimes, including drug dealing, extortion and acts of violence, including murder, in furtherance of these offenses. Since approximately 1992, IVANKOV has conducted his criminal activities from a base in the Brighton Beach section of Brooklyn, New York. As described in detail below, the FBI has obtained evidence in recent months that IVANKOV is using the SUBJECT TELEPHONE to manage his organization and further its criminal activities, particularly, drug dealing and the extortion of two Russian businessmen in New York.

B. Background of Russian Organized Crime Activities

13. Based on many confidential sources of information, discussions with law enforcement officials in the United States and other countries, including Russia, and review of numerous studies and reports about ROC, as set forth more fully in ¶ 10 above, I have become familiar with the largest organizations now comprising ROC and the basic structures and activities of these organizations.

14. ROC is composed of groups with certain characteristics that have flourished in post-Soviet Russia. These groups are highly fluid. Numerous organizations have formed along ethnic lines: two of the most important groupings are Chechen and Georgian.^{3/} Chechen and Georgian organized crime groups operate throughout the Commonwealth of Independent States (the "CIS"), but maintain bases in their native areas. They exert control -- through bribery, kickbacks, threats and violence -- over the flow of goods into and out of their regional strongholds. Within a given ethnic group, there are numerous criminal organizations; these organizations compete among themselves and with other ROC groups.

15. In and around Moscow, the capital of the Russian Republic, many criminal groups have emerged. Several of the

^{3/} Chechnya is a region that was formally part of Russia but is now seeking independence; Georgia was a separate Republic in the Soviet Union which is now an independent country. Both regions have produced criminal gang members for many years, dating at least to the period of black market activity under the Soviet regime.

Moscow groups are centered in particular neighborhoods. The largest and most powerful of these groups is the "Solntsevskaya" organization, based in the "Sointsevo" section of Moscow. The founders and leaders of this organization are Sergei Mikhaylov, a/k/a "Mikhas," and Viktor Averin, a/k/a "Avera," some of whose activities are discussed below. Other neighborhood-based Moscow organizations include "Orekhovo-Borisov," "Lyuberetskaya" and "Izmailovskaya."

16. ROC groups use businesses in the former Soviet Union, Western and Central Europe and the United States to serve as fronts for laundering the proceeds of illegal activities and for conducting highly profitable commerce in goods in the CIS. Rife with corruption, this commerce thrives on such illegal practices as extortion, bribery of public officials and threats and violence directed toward rivals. In addition, ROC groups often operate, and in other cases demand "protection" money from, a large percentage of the private businesses operating in Moscow and other large cities, particularly financial institutions which engage in large currency transactions. ROC groups also control drug trafficking in Russia and the CIS.

17. ROC organizations use groups of enforcers, organized into what are sometimes called "combat brigades," to extort money from businessmen in the former Soviet Republics, Western Europe and the United States, to collect "protection" money, to kill enemies, rivals or targets who will not meet extortionate demands, and to provide security and perform

miscellaneous other tasks in furtherance of illegal aims. Each such combat brigade has a leader who reports directly to the head of a given organization.

18. Among the top echelon of these various criminal groups is a loosely-knit association of between 50 and 200 criminals from the former Soviet Union and its successor states called, in Russian, "vory v zakone," which is commonly translated as "thieves in law."^{4/} Thieves in law take oaths and are inducted in ritualized ceremonies. They often arbitrate disputes among organized crime groups and take a commission for this service. The power of a particular "thief in law" depends on the size and effectiveness of his organization. VYACHESLAV IVANKOV a/k/a "Yaponchik" is one of the most powerful of the "thieves in law."

19. IVANKOV formed a criminal organization in Russia in approximately 1980. Originally, IVANKOV and his workers used fraudulent militia documents to search the homes of wealthy individuals and steal money and other valuables. After being convicted of crimes relating to these thefts, IVANKOV was sentenced to 14 years in jail. According to the Ministry of Internal Affairs of the Russian Federation (the "MVD"), IVANKOV and his associates bribed a judge on the Russian Supreme Court to

^{4/} "Thief in law" is a literal translation from the Russian. In this context, the term connotes a criminal who lives by a code of conduct -- similar to "made" members of traditional Italian organized crime families.

gain a reduction in his sentence. IVANKOV was released in 1991 after serving only 10 years.

20. Upon his release, IVANKOV was placed on probation and supervised by Moscow Police. IVANKOV violated his probation. A warrant was issued for his arrest, and IVANKOV is now a fugitive from Russian justice.

21. Since his release from prison, IVANKOV has begun to build and solidify his criminal associations in the United States. In January 1993, ~~the MVD advised the~~ FBI that IVANKOV had entered the United States ~~to manage and control~~ ROC activities in ~~this~~ country. The MVD also gave the FBI a list of telephone numbers that IVANKOV would be using when he came to this country, and pen registers were installed on the corresponding telephone lines. A review of the pen registers revealed that IVANKOV used these numbers to call individuals who have been identified as members of ROC around the world. Since IVANKOV has been in the United States, other FBI agents have observed IVANKOV meeting with other known ROC members. IVANKOV has established at least one front company in New York -- Slavic Inc. -- to conduct money laundering transactions. He has also engaged in several acts of extortion and, from his base in Brighton Beach, Brooklyn, has overseen his organization's criminal activities in Russia and Western and Eastern Europe.^{5/}

^{5/} An examination of Immigration and Naturalization Services ("INS") records reveals that IVANKOV entered the United States in 1992 on a business visa, which was obtained fraudulently insofar as IVANKOV lied about his criminal history in Russia. IVANKOV's visa has since expired.

22. From a number of confidential sources, other FBI agents and I have learned that IVANKOV has a former wife and son who live in the area of Denver, Colorado, and that IVANKOV frequently travels there. We have obtained a copy of a Colorado driver's license in the name of "VYACHESLAV IVANKOV," which provides an address in Denver as his home address. In addition, records for the SUBJECT TELEPHONE, discussed below, reveal that in March 1995 IVANKOV has used the SUBJECT TELEPHONE from the Denver area.

C. Confidential Information Concerning IVANKOV and Other ROC Figures

23. Fellow FBI agents have debriefed a confidential source ("CS-1") whose information has been extensively corroborated by other confidential sources, physical surveillances, seizures of certain documents and telephone records, as described below. The information set forth in this section of the affidavit, except where noted, is based on numerous debriefings of CS-1.

1. IVANKOV's Organization and Illegal Activities

24. According to CS-1, IVANKOV is one of the most powerful of the "thieves in law." IVANKOV's alias "Yaponchik" ["Little Japanese"] was the name used by a legendary criminal figure in the Soviet Union in the 1920s.

25. IVANKOV's organization operates in numerous cities in Europe, Canada and the United States, chiefly, New York, London, Toronto, Vienna, Budapest and Moscow. IVANKOV has recruited individuals to engage in a wide range of illegal

activities, including murder, extortion of individuals and businesses involved in commerce in or with Russia and other CIS states, drug trafficking and the laundering of proceeds from drug dealing and other illegal activities.

26. IVANKOV's organization has two principal groups of enforcers, sometimes called "combat brigades," which are headed by Aleksei Petrov a/k/a "Petrik," and FNU Inshakov, a/k/a "Inshak." (The FBI has identified this man as Alexander Inshakov.) Inshakov's group handles the most important and difficult of IVANKOV's criminal operations. Inshakov's chief assistant is Viktor Serqeyev, a former KGB officer. Sergeyev aids Inshakov in murders ordered by IVANKOV, including five or six murders of top ROC figures who "got in the way" of IVANKOV. According to CS-1, IVANKOV pays Inshakov's combat brigade a special allotment of about \$100,000 per month. A member of the Solntsevskaya organization makes the payments on IVANKOV's behalf.

27. IVANKOV began to build his criminal organization in the United States about two and one-half years ago. He recruited many members after he came to the United States in 1992 and has directed his chief lieutenants to establish bases outside the former Soviet Union. Notably, IVANKOV's son, Eduard Ivankov, a/k/a "Edik" is based in Vienna, Austria and conducts a wide array of financial and banking transactions throughout Central and Western Europe (including England) in an effort to launder

proceeds of IVANKOV's illegal activities. Eduard Ivankov contacts IVANKOV regularly through a cellular telephone.

28. Among the front companies that IVANKOV uses to conduct his criminal activities and launder criminal proceeds are "Atkom," which is based in Vienna; "Ritual," a funeral services company in Moscow; and "Arbat International," which is also based in Moscow. IVANKOV uses Arbat to transmit large sums of money from Moscow to a company in Budapest, Hungary overseen by "Seva" Mogielevich, one of IVANKOV's closest associates.

2. IVANKOV's Illegal Dealings with Anzor Kikalishvili, Joseph Kobzon and JOSEPH SIGALOV

29. According to CS-1, IVANKOV and his organization have become more closely allied in recent months with a criminal group headed by Anzor Kikalishvili and his partner Joseph Kobzon. Kikalishvili and Kobzon receive substantial illicit payments from an American joint-venture company called "Russian-American," based in New York City. Kobzon is a leading singer and performer in Russia. Kobzon and Kikalishvili were associated with Otari Kvantreshvili, a powerful ROC figure assassinated by sniper fire in Moscow in April 1994.

30 Kobzon, Kikalishvili and Kvantreshvili paid bribes and kickbacks to a Russian Customs official in return for lucrative special permits which allow Russian-American to import several alcohol and tobacco products into Russia without paying the usual duties. Under the guise of paying for security services, Russian-American pays Kobzon and Kikalishvili for

obtaining these permits and for "protecting" Russian-American's lucrative business.^{6/}

31. According to CS-1, JOSEPH SIGALOV is a Canadian businessman and an important associate of the Kobzon-Kikalishvili ROC group. CS-1 described SIGALOV as a broker of "quick turn-around" deals supported by Kobzon. CS-1 heard that one such deal involved the shipment of weapons and military equipment, including machine guns and anti-aircraft defense systems, worth from \$18 million to \$20 million, from Germany to an Arab entity via Africa.

32. According to CS-1, another individual involved in this transaction was Alimjan Tochtachunov, who works closely with Kikalishvili and Kobzon in their company called "Association XXI Century," which, like Russian-American, imports alcohol and tobacco into Russia without paying the usual duties. As with Russian-American, Kikalishvili and Kobzon obtained these permits by paying bribes and kickbacks to a high-ranking Russian Customs official.

^{6/} Another confidential source ("CS-2") was interviewed on March 16, 1995. CS-2 stated to that Joseph Kobzon also heads an operation that places premium brand labels on bottles of low-quality vodka and exports this counterfeit vodka from Russia to the United States.

CS-2 has been a confidential source for less than one year. CS-2's information has been corroborated by physical surveillances, other confidential sources, electronic surveillance and independent evidence obtained by law enforcement agencies.

3. Other Information from CS-1

33. CS-1 has provided a wealth of other information about IVANKOV's past and present criminal activities and associations. Set forth below are several events and criminal schemes in which independent evidence obtained by the FBI, RCMP or other law enforcement agencies corroborate information from CS-1. This evidence, viewed as a whole, demonstrates the reliability of CS-1's information and probable cause to conclude that IVANKOV is using the SUBJECT TELEPHONE in furtherance of the criminal offenses specified in ¶ 9 above.

D. IVANKOV'S Current Extortion of Summit International and its Officers

1. Information from CS-1

34. In or about March 1995, CS-1 advised FBI agents that IVANKOV had targeted a company called Summit International ("Summit"), based in New York City, and its officers for an extortion demand. Summit is an investment advisory firm led by Alexander Volkov, a Moscow native who has lived in the United States for several years, and Vladimir Voloshin. Because of its recent success, IVANKOV has monitored the company and is currently demanding that Summit pay IVANKOV and his workers \$5 million or else Volkov and Voloshin would be killed.

35. In February 1995, according to CS-1, IVANKOV's representatives contacted Volkov and Voloshin, who agreed to a meeting at Summit's Wall Street offices for February 23, 1995. At the appointed time, Volkov and Voloshin fled when they saw

that IVANKOV himself had arrived with men, Maxim LNU and Roustam LNU. Volkov went to Florida; Voloshin to San Francisco. IVANKOV then ordered his workers to begin calling both Volkov and Voloshin to make explicit demands for a percentage of Summit's business.

36. According to CS-1, IVANKOV's current extortion demand grew out of the following transaction: in the Spring of 1994, a high-ranking official of a financial concern in Russia invested \$2.7 million dollars with Summit, which would receive a commission for its services. In or about August 1994, this investor began to experience financial problems, and he advised Volkov that he would receive a call from another individual who was the actual owner of the \$2.7 million and would identify himself by using certain key words in conversation. Volkov received such a call, and the true owner told Volkov to return the money to him at the end of the year.

37. In the Fall of 1994, the original investor died, and Volkov began receiving calls from Roustam and Maxim, who tried to convince Volkov to share the \$2.7 million with them in view of the original investor's death. In February 1995, Roustam and Maxim contacted IVANKOV in New York on the recommendation of Alexander Inshakov, the leader of IVANKOV's "combat brigade" group. As noted above, Volkov and Voloshin failed to appear at a meeting with IVANKOV. Subsequently, someone advised Volkov that "Yaponchik" [IVANKOV] had personally taken charge of their case; that they now owed him \$5 million; and that they were going to

have "problems" due to their failure to meet with IVANKOV.

2. Information from Volkov and Voloshin

38. Since learning of the Summit extortion, FBI agents have debriefed Volkov and Voloshin and corroborated the information provided by CS-1. FBI agents have also obtained records of telephone calls to the SUBJECT TELEPHONE which corroborate the information provided by Volkov, Voloshin and CS-1 and strongly indicate the SUBJECT TELEPHONE's use in furtherance of criminal activity.

39. Volkov confirmed the substance of CS-1's statements concerning the \$2.7 million dollar investment with Summit; the subsequent financial difficulties of the investor; and the persistent efforts to extort money from himself and Voloshin. Specifically, on the day after the investor's death, in November 1994, Volkov received a telephone call from Roustam Sadykov, someone he had previously met in Russia, who said that he had important news that he wanted to discuss in person rather than over the telephone. Volkov had subsequent meetings with Sadykov and two other individuals -- Maxim Korostishevsky and Vladimir Topko.

40. In or about November 1994, the three men proposed that Volkov and Voloshin give 60 percent of the \$2.7 million investment to them and keep the remainder for themselves; the three men could guarantee no "aggravation" afterward. In a meeting shortly before Christmas, Sadykov, Korostishevsky and another individual, Valery Novak, presented two documents to

Volkov intended to effect the proposed disposition of the moneys; the documents appeared to Volkov to be fraudulent. Novak told Volkov that "we can't wait any longer. We want the money." But Volkov resisted nonetheless, insisting on meeting with the boss of the three men. Volkov and Voloshin noticed that Novak's hands were shaking, and that he appeared very upset at the refusal to accede to his wishes.

41. In January and February 1995, Volkov began to receive regular calls from Korostishevsky at his home and office in which Korostishevsky told Volkov that he had to make a "decision" and that they should have a personal meeting. In early February, Volkov's wife advised him that she had been approached in the supermarket by a woman who told her she should expect a lot of trouble in the future.

42. On February 21, 1995, Volkov received a telephone call from Korostishevsky, in which the latter said that it was very important that they meet that day. Volkov agreed to meet him, together with Voloshin at Summit's offices at 5:30 p.m. Despite their agreement to meet, Korostishevsky called a short time later to confirm it. Volkov and Voloshin became suspicious over Korostishevsky's behavior and decided not to go to the meeting unless he arrived alone. A short time before Korostishevsky was supposed to arrive, Volkov and Voloshin went to a retail office across from the entrance to the building where Summit was located, so that they could observe who appeared for the meeting. At 5:30 p.m., they saw Roustam Sadykov,

Korostishevsky, an unidentified man and IVANKOV. They recognized IVANKOV from newspaper photographs as a leading ROC figure.

Since that time, Volkov and Voloshin have separately been shown photographs of IVANKOV, and they identified him as one of the men who appeared for the meeting.

43. Out of fear due to IVANKOV's involvement in the extortion, Volkov and Voloshin fled to Florida. Volkov has since listened to numerous messages left on his home telephone by Korostishevsky and Sadykov suggesting that they meet. The last call was on March 4.

44. Though somewhat less involved than Volkov in this series of meetings and conversations, Voloshin confirmed the basic sequence and substance of the events described by CS-1 and Volkov. He added that since the time he fled to Florida in late February, he has received 10 to 15 calls from unknown persons at his New York residence. He has also received two calls from Sadykov. On the first occasion, Sadykov asked Voloshin's wife whether she knew where he and Volkov were at the time. On the second occasion, March 4 or 5, Sadykov again asked where Voloshin was. Sadykov indicated that he was in Boston and would call again later. About two to three weeks after the aborted meeting, Volkov told Voloshin that Sadykov had contacted Volkov's sister, who lives with her two children in Moscow. According to Volkov, Sadykov said that he called merely to say hello. Both Volkov and Voloshin viewed the call as a thinly veiled threat: if they did

not give IVANKOV the money he was seeking, they and their families would be in danger.

45. Recently, Voloshin advised the FBI that on or about March 15, 1995, he had received a telephone message at his home asking him to call two men at a hotel in the Miami, Florida area regarding "work." Volkov advised me that he knows one of these men by the nickname "Vorona" [the "Crow"], who is a member of the Lyuberetskaya criminal organization based in Moscow, and that the other one may also be a member of the Lyuberetskaya organization. Based on the investigation to date and my experience, I believe that IVANKOV is using an old acquaintance of Volkov's to reestablish contact with him and impress upon Volkov the need to comply with IVANKOV's demands.

3. Physical Surveillance and Telephone Records

46. Volkov and Voloshin provided a description of the unidentified man who arrived with IVANKOV, Roustam Sadykov and Maxim Korostishevsky in late February 1995. Based on this description, FBI agents showed Volkov and Voloshin a photograph of a man whom other agents had observed meeting with IVANKOV in the Brighton Beach area on March 10, 1995. Volkov and Voloshin separately identified this man as the same person who arrived with IVANKOV for the meeting in February 1995.

47. Based on information from Volkov, I have also examined records from the Wellington Hotel in Manhattan and determined that Roustam Sadykov was staying in a room there between February 17 and February 24, 1995 -- the very period in

which Sadykov was seeking to arrange the meeting between Volkov and IVANKOV. Telephone records for Sadykov's room reveal that he called the SUBJECT TELEPHONE on February 22 and February 23.^{7/}

E. IVANKOV's Current Involvement in Drug Dealing

1. Information from CS-1

48. According to CS-1, IVANKOV's organization smuggles and distributes drugs. CS-1 provided information concerning IVANKOV's rivals in the drug business and the violence that has resulted from competition with these rivals.

49. In or about July 1994, IVANKOV became involved in a dispute with Sergei Ivanovich Timofeyev, a/k/a "Sylvester," then involved in a large part of Moscow's drug trade and a leader in the "Orekhovo-Borisov" criminal organization based in Moscow. The dispute arose from a business deal in which Timofeyev accused IVANKOV's son "Edik" of shorting him about \$300,000. Timofeyev was murdered by a car bomb in Moscow in September 1994. CS-1 believes that IVANKOV ordered the killing as part of his effort to dominate ROC operations in Europe and the United States.

Based in Cyprus, Timofeyev had extensive contacts with Monya Elson, a leading ROC figure in New York.^{8/} In or about January

^{7/} The telephone records also revealed 17 calls to the Marriott Marquis in Manhattan. According to Volkov, Korostishevsky and Sadykov often stayed at the Marriott Marquis Hotel in Manhattan during their trips to New York.

^{8/} Monya Elson was the head of a major ROC group in the United States, located in Brighton Beach. Since 1992, when IVANKOV first came to Brighton Beach, IVANKOV has attempted to take control of ROC in Brighton Beach. In early March 1995, Elson was arrested in Italy pursuant to an indictment returned in the Southern District of New York. The indictment charges Elson with

1995, IVANKOV told Viktor Averin and Sergei Mikhaylov, co-leaders of the Solntsevskaya organization, that they would be taking over the workers and locations formerly controlled by Timofeyev.

50. Dzhemal Konstantinovich Khachidze controls the importation and distribution of drugs into and within Moscow through a combat brigade, consisting of 10-15 enforcers, who make regular collections from drug traffickers in Moscow. Khachidze is reputed to have ordered the January 1994 murder of Oleg Karotaev in Brighton Beach in connection with a dispute over a multi-million dollar cocaine shipment to Russia. Since the Fall of 1994, IVANKOV has been organizing an effort to challenge Khachidze and seek to dominate drug distribution in Moscow.

51. Currently, IVANKOV and the Solntsevskaya organization are conducting joint drug smuggling and distribution operations in Russia. In or about January 1995, Sergei Mikhaylov, co-leader of the Solntsevskaya Organization, advised his principal workers that he had found a new source for large shipments of cocaine to Russia, but that IVANKOV and his workers were not to know of any shipments or dealings arranged with this source. Mikhaylov intended to keep these dealings independent from the joint operations with IVANKOV.

the murders of two individuals and narcotics trafficking.

2. Other Information About IVANKOV's Drug Dealing

52. On March 20, 1995, another confidential source ("CS-3")^{9/} told the FBI that he had recently spoken with another son of IVANKOV's, Gennadiy Ivankov, a/k/a "Gena." According to CS-3, IVANKOV is one of six leaders of a large international drug trafficking organization. Gennadiy is presently laundering drug proceeds for IVANKOV. According to CS-3, IVANKOV can be reached by phone at (917) 859-2012 (the SUBJECT TELEPHONE). CS-3 also told the FBI that Felix Komarov is presently laundering money for IVANKOV, though CS-3 does not know the particulars of Komarov's involvement.

53. On February 9, 1995, another confidential source ("CS-4") told the FBI that IVANKOV has at least four cellular telephones and appears to speak on some more than others.^{10/} CS-4 believes that Felix Komarov has a phone number for IVANKOV because Komarov placed a call to IVANKOV on the morning of February 9, 1994 and spoke with him. On March 15, 1995, CS-4 advised us that IVANKOV can be reached at the SUBJECT TELEPHONE. According to CS-4, Komarov's close criminal relations with IVANKOV may be deteriorating because, among other things, he may

^{9/} CS-3 has been a confidential source for law enforcement for less than one year. CS-3's information has always proved to be reliable and has been corroborated by physical surveillances, other confidential sources and independent evidence obtained by the FBI and other law enforcement agencies.

^{10/} CS-4 has been a confidential source for less than one year. CS-4's information has proven reliable and has been corroborated by physical surveillances, other confidential sources and independent evidence obtained by the FBI and other law enforcement agencies.

not be as involved in IVANKOV's organization as he once was. However, in Moscow Komarov is still considered to be a close associate of IVANKOV.

(54 German law enforcement officials have advised the FBI that Komarov is a long-time, close associate of IVANKOV who launders money for IVANKOV in New York. CS-1 has also advised FBI agents that Komarov is the owner of a Rolls Royce dealership in Moscow in which IVANKOV, Sergei Mikhaylov and Viktor Averin have 25 percent interests, respectively. According to CS-1, the dealership is losing money and is merely a front used by IVANKOV and the Solntsevskaya organization to launder proceeds from illegal activities.

F. High-level ROC Meeting in Puerto Rico in January 1995

1. Information from CS-1

55. In or about December 1994, CS-1 learned that a high-level meeting of ROC leaders would take place in either New York City or Miami, in January or February 1995. At or about the time of the actual meetings -- between January 3, and January 8, 1995 -- CS-1 advised the FBI that the location of the meeting had been changed to San Juan, Puerto Rico. According to CS-1, the principal leaders of major ROC groups, including some of the top "thieves in law," were supposed to attend this meeting, including the following: IVANKOV, Mikhaylov, Averin and Arnold Tamm from the Solntsevskaya organization, Khachidze, and ROC leaders from Georgia and St. Petersburg organizations.

56. According to CS-1, the meeting was called to discuss several important issues, including the following: (i) dividing the "spoils" of the organization formerly headed by Sergei Ivanovich Timofeyev (murdered in September 1994); (ii) the future division of the drug distribution business in Russia; (iii) complaints among other bosses about IVANKOV's efforts to control the drug trade in Russia; (iv) concerns of several bosses that IVANKOV was behind recent murders of police officers in Russia; and (v) a dispute between IVANKOV and Ruslan Labazanov, the leader of a major Chechen criminal organization, over IVANKOV's reputed theft of Russian rubles worth about \$10 million (U.S. currency).

2. Information from the RCMP Electronic Surveillance

57. Through electronic surveillance conducted in Canada, the RCMP and FBI learned that a meeting of the sort CS-1 described was to take place in San Juan, Puerto Rico and conducted surveillance of various ROC figures in and around the hotel where they were staying. The evidence gathered pursuant to the RCMP and FBI investigations, including papers containing the SUBJECT TELEPHONE number, further confirms the reliability of CS-1's information regarding IVANKOV's involvement in ROC activities.

58. Several conversations were intercepted regarding a meeting to be held in early January 1995 in Puerto Rico. Based on these conversations, the RCMP agents supervising the electronic surveillance concluded that one of the chief topics to

be discussed at the meeting was the ordering of one or more murders in furtherance of criminal activities. The following are summaries of portions of intercepted conversations concerning the meeting in Puerto Rico.

a. On December 6, 1994 at 8:32 p.m., JOSEPH SIGALOV spoke first with "Mark" and then with his ex-wife "Rossiya" ["Russia"]. SIGALOV told Rossiya that Kobzon still did not have his American visa, but that Kobzon expected to get it in time for the trip. Referring to an individual named "Marik," SIGALOV also told Rossiya that he had just returned from Marik's motherland, and that it turned out that Marik was the chief thief there. SIGALOV said that he had a successful trip, having secured yet another world famous shop for himself, and would have about 300,000 [dollars] by Christmas. SIGALOV also told Rossiya that he was going to St. Maarten and from there he and Alexandra Pelts [his common-law wife] were going to Puerto Rico to meet with "Yosif Kobson," a/k/a Joseph Kobzon.

b. On December 11, 1994, at 11:43 a.m., JOSEPH SIGALOV was intercepted speaking to Nellia Mikhailovna LNU, Kobzon's wife. SIGALOV said that he had ordered the tickets from St. Maarten to Puerto Rico. SIGALOV told Nellia that he was scheduled to arrive in Puerto Rico on January 3, 1995 at 5:00 p.m.

c. On December 11, 1994 at 11:50 a.m., SIGALOV spoke with an unidentified male ("UM"). The UM said that Kishinevsky should be fined, and SIGALOV agreed. The UM said SIGALOV should

send Yuri Fooks [according to the RCMP, a Toronto ROC figure], or others; Zhenya could be sent, and he would be cheaper, and nobody knows him. SIGALOV said that it doesn't matter whether anyone knows. If someone wants to eat at his table, it's wrong.

SIGALOV said that he would show him, the son of a bitch. SIGALOV said that he had already called Yosif [Kobzon] and told him what the situation is, and SIGALOV's godfather [Kobzon, according to the RCMP] told him that it is wrong and it has to be punished.

d. On December 13, 1994 at 9:53 a.m., SIGALOV spoke with Larisa, his ex-sister-in-law. SIGALOV told her that he was going to Puerto Rico for a meeting with Yaponets, Taiwanets, to discuss whom we will kill, fuck." SIGALOV spoke with Larisa about a number of topics in addition to the possible killings. SIGALOV said that his annual turnover is about \$40 million. He also described a number of businesses in which he was involved, including supplying frozen bagels to a metallurgical plant in Lipetsk, a sunflower oil press, a sewing shop selling jackets, a print shop, a restaurant, two brick kilns, all of which were fully paid for. He also bought a two-story building in downtown Kharkov [in the Ukraine], which he bought through bribes.

e. "Yaponets," which means "Japanese" in Russian, is another name for IVANKOV. "Yaponchik," IVANKOV's most common nickname, is a diminutive form of Yaponets. Based on information from several confidential sources and law enforcement officers in Germany, I have learned that "Taiwanets," which means "Taiwanese" in Russian, is the nickname of Alimjan Tochtachunov, an associate

of Kobzon and Kikalishvili in their various illegal activities (see ¶ 32 above). Based on this information, I have also learned that Tochtachunov was the leading ROC figure in Germany (specifically, Cologne) until pressure from German investigators caused him to move to Paris, France, where he now lives and continues to conduct such illegal activities as military equipment smuggling and money laundering.

f. On December 21, 1994, at 5:10 p.m., SIGALOV received a telephone call from Alexander Donskoi.^{11/} SIGALOV said that Dimitri Yakoubovski had been arrested in Moscow yesterday about something having to do with Germany and weapons. Donskoi said "to hell with him." Donskoi said that he had spoken with Yosif [Kobzon] a couple of days ago and would call him tonight. SIGALOV asked whether everything was confirmed for San Juan, and Donskoi said yes. SIGALOV said that he wanted to know about Kobzon as he was going to San Juan because of them [Donskoi and others].

59. Based on information received from the RCMP, other FBI agents contacted various hotels in San Juan, Puerto Rico to discover where the scheduled meeting would take place. We determined that several of the individuals either intercepted or mentioned over the Canadian wiretap had reservations at the El San Juan Hotel and Casino, Carretera Isla Verda No. 4, San Juan, Puerto Rico.

^{11/} The FBI has obtained information that Donskoi worked at a furniture store in Brooklyn that served as the base of operations for a heroin trafficker.

3. FBI Surveillance and Seizures at the San Juan Hotel

60. FBI agents conducted surveillance at the hotel from approximately January 3, 1995 to January 15, 1995. On January 3, agents observed the following people arrive at the hotel: Joseph Kobzon and family members, JOSEPH SIGALOV and family members and Alexander Donskoi and his girlfriend. Over the next several days, agents observed SIGALOV, Kobzon and Donskoi engage in brief conversations in the public areas of the hotel and casino. Agents also observed SIGALOV meeting with an unidentified Hispanic man in the hotel. On one occasion, an agent could overhear Donskoi, speaking in Russian, say to the SIGALOV, in substance, "tell him [the Hispanic man] it's none of his business how much I'm making on the deal." On another occasion, agents saw SIGALOV meeting this man at the San Juan airport and overheard them agree to see each other in Toronto soon. SIGALOV and Donskoi left the hotel on or about January 8, 1995. Kobzon left several days later but then returned. He left the hotel again on January 15.

61. On January 12, 1995, agents examined trash left outside Kobzon's hotel room. Among the papers they seized were two items linking Kobzon and his associates to IVANKOV. On a piece of note paper FBI observed the initials "VK" and the telephone number (917) 859-2012 (the SUBJECT TELEPHONE number). Based on my experience and the investigation to date, I believe that "VK" stands for "VYACHESLAV KIRILLOVICH," IVANKOV's first

and patronymic names.^{12/} Agents also found a matchbook on which the number of the SUBJECT TELEPHONE was written and then crossed out.

62. Other FBI agents have also examined telephone records from Kobzon's San Juan hotel room. The records reveal two calls to the SUBJECT TELEPHONE on January 14, 1995.

63. On January 23, 1995, other FBI agents observed IVANKOV meeting four men in the Sheepshead Bay area of Brooklyn. IVANKOV and the others drove around the area and at times got out of the car and spoke with one another. During this surveillance, agents observed IVANKOV using a cellular telephone.

G. Calls Intercepted Over RCMP Wiretap in March 1995, Relating to IVANKOV and the SUBJECT TELEPHONE

64. Beginning in early March 1995, the RCMP began intercepting conversations which indicate that IVANKOV has been discussing an ongoing financial dispute, over the SUBJECT TELEPHONE, with VYACHESLAV SLIVA, a/k/a "Slava," an ROC figure based in Toronto and an associate of JOSEPH SIGALOV. In or about September 1994, the MVD advised me that VYACHESLAV SLIVA was in contact with IVANKOV and may have been involved in the attempted murder of an editor of "Izvestiya," a leading newspaper in Moscow. According to the RCMP, SLIVA is also IVANKOV's brother-in-law. CS-4 informed FBI agents that SLIVA, an ethnic Assyrian, is a very good friend of IVANKOV.

^{12/} A person's patronymic name is formed by combining the first name of that person's father with the suffix "ovich" for a man, and "ovna" for a woman. It is common in Russia to address people by their first and patronymic names, without using a surname.

65. On March 6, 1995, at 2:04 p.m., SLIVA received an incoming telephone call from "Yura" LNU. Yura told SLIVA that "Yasha has a whole city, there sits Valera (an Armenian). Valera brings money directly to Yasha." In June 1994, CS-2 had told the FBI that an individual by the name of Vadik Valera assisted IVANKOV in a large money laundering operation. According to CS-2, IVANKOV placed money he had made from illegal arms trafficking into various "shell" corporations. CS-2 also believed that Valera obtained money through extortionate means from the Avtovas Factory, a major Russian car and truck manufacturer.

66. On March 8, 1995, at 7:06 p.m., SLIVA received a telephone call from "Alik," who, based on the investigation to date and information from the RCMP, I believe to be Alimjan Tochtachunov, a/k/a "Taiwanese." Alik told SLIVA that "that faggot, Monya Elson got arrested in Italy and they are bringing him to New York." Alik asked SLIVA to tell "dyed" ["grandpa"] about it.^{13/} SLIVA told Alik to "be careful because the guy who got arrested knows where you [Alik] walk." Based on my experience and the investigation to date. I believe that "grandfather" is a nickname for IVANKOV, and that SLIVA and Alik are concerned that Elson would cooperate with law enforcement authorities and thereby pose a danger to themselves.

67. On March 11, 1995, at 5:53 p.m., the RCMP intercepted an outgoing call to the SUBJECT TELEPHONE. Based on

^{13/} The RCMP intercepted several other conversations referring to "dyed." In one of the conversations, the speaker makes it clear that "dyed" is a nickname for IVANKOV.

their voices and the way the speakers identified one another, the RCMP concluded that "Edik," a nephew of IVANKOV, placed the call from Toronto to his uncle. Edik said that "Gena" would meet with him (IVANKOV) in May, to which IVANKOV replied that he was sick and tired of going back and forth with this guy. SLIVA then got on the phone in Toronto. He said that SIGALOV was now in Russia, and would be back at the end of the month. (The RCMP told the FBI that SIGALOV's itinerary for the end of March included Lipetsk, Kharkov, and Moscow). SIGALOV also said that "Gena" swore that he'd been paying. SIGALOV also told SLIVA that SIGALOV "met there with Anton and Aksyonov." The MVD has informed the FBI that Anton Malevsky and Vyaceslav Aksynov are leaders of ROC groups based in Moscow.

68. On March 11, 1995, at 6:00 p.m., SLIVA called IVANKOV over the SUBJECT TELEPHONE. "Gena" got on the telephone and swore his allegiance to IVANKOV and insisted that he did not do it. "Edik" then got on the phone and asked IVANKOV what he should tell "Yura." IVANKOV said that he would get back to Edik about it. IVANKOV and Edik then discussed a meeting between IVANKOV and Gena scheduled for May 1995.

69. Based on their experience and the investigation to date, RCMP officers believe that SLIVA reports to and receives orders from IVANKOV. RCMP officers also believe that IVANKOV, SLIVA and other interceptees have been discussing the collection of proceeds from illegal activities in Russia on behalf of IVANKOV. Specifically, SLIVA and IVANKOV have been concerned

that either "Gena" or "Yura" had not been paying the amounts of money owed to IVANKOV's organization. Gena appears to have satisfied IVANKOV and SLIVA that he has not done anything wrong, and that IVANKOV and SLIVA now suspect Yura.

70. On March 15, 1995, at 11:49 a.m. Natalia Dubikova, SLIVA's girlfriend, received a telephone call on SLIVA's telephone from Faina Komisar, IVANKOV's girlfriend (see ¶ 73 below). Dubikova told Komisar that "SLIVA is absolutely helpless here. There is no one here he can trust." Dubikova said that she "think[s] that SLIVA and IVANKOV may not be authorities any more." Based on my experience and the investigation to date, I believe that "authorities" means leaders of ROC.

71. On March 15, 1995, at 10:58 p.m. IVANKOV made an incoming call to SLIVA, and the two men complained about law enforcement crackdowns on ROC. SLIVA said that "I don't call because I hear lots of news and I don't want to disturb you [IVANKOV]." SLIVA said that the "[s]tinking bastards [law enforcement] . . . have been bugging me since my childhood," to which IVANKOV responded that it was "[b]ecause we were against the Soviets." SLIVA agreed, replying that "we didn't serve in the army when we were supposed to." Based on my experience and the investigation to date, I believe that the "news" SLIVA referred to is that of Monya Elson's arrest in early March 1995 and news reports about ROC, particularly IVANKOV. In mid-March, Cable Network News ran a show focusing on IVANKOV's leadership of ROC in the United States. I also believe that the reference to

Exhibit C

Exhibit D

Exhibit E

Exhibit F

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service in the army concerns an aspect of the code among thieves in law, namely, not to serve in the Russian army or otherwise serve the Russian governmental interests.

72. On March 18, 1995, at 12:13 a.m., Faina Komisar, IVANKOV's girlfriend, called Natalia Dubikova, SLIVA's girlfriend. The two women commented on law enforcement's crackdown on ROC. Dubikova told Komisar that "he [IVANKOV] should not even show up in the area where Faina lives [Brooklyn]." Dubikova told Komisar that "he [IVANKOV] was sitting there and [was] probably afraid to get out." Komisar told Dubikova "not to talk about it on the phone." Based on my experience and the investigation to date, I believe this conversation refers to IVANKOV's decision to stay in Denver and not return to New York due to Monya Elson's arrest and recent publicity about ROC activity, and IVANKOV's leadership particularly.

H. Analysis of Pen Registers and Contemporaneous Billing Records for the SUBJECT TELEPHONE

73. From a number of law enforcement agencies, the FBI has learned that IVANKOV's girlfriend is Faina Komisar, who lives at 501 Surf Avenue, Apartment 21P, Brooklyn, New York, is listed as the subscriber to telephone number (718) 946-2504 at that address. IRENE KOMISAR, Faina's daughter, lives at 2900 West 8th Street, Brooklyn, New York, where she is listed as the subscriber to telephone number (718) 449-2273.

74. A confidential source ("CS-5") has told the FBI that because IVANKOV is concerned about electronic surveillance,

IVANKOV has directed his criminal associates to leave messages with IRENE KOMISAR who relays the messages to IVANKOV.^{14/} IVANKOV then contacts the individual directly to discuss his criminal activity or arrange a meeting. IVANKOV often uses a particular cellular telephone for a short period of time before he obtains a new one (see ¶ 53 above).

75. On March 3, 1995, United States Magistrate Judge Marilyn D. Go issued an order authorizing the installation of pen registers and caller identification devices on telephone numbers (718) 946-2504 and (718) 449-2273. Although a request was made to execute the order, the pen register and caller identification devices were not installed until March 22, 1995 and March 7, 1995, respectively. Earlier, on December 7, 1994, Magistrate Judge Go issued an order authorizing the installation of a pen register on (718) 449-2273.

76. A review of records from the pen register on (718) 449-2273 reveals that between January 29, 1995 and February 4, 1995, ten (10) calls were placed to the SUBJECT TELEPHONE and that between March 24, 1995 and March 26, 1995, nine (9) calls were placed to the SUBJECT TELEPHONE. On March 25, 1995, the calls were placed at 7:33 p.m., 7:33 p.m., 7:37 p.m. and 7:39 p.m. On March 26, 1995, the calls were placed at 12:04 p.m.,

^{14/} CS-5 has been a confidential source for less than three years. CS-5's information has been proven reliable and has been corroborated by physical surveillances, other sources, electronic surveillances and other independent evidence obtained by law enforcement agencies. CS-5's information has also been used in electronic surveillance applications which have generated evidence of ROC.

12:10 a.m., 1:33 a.m. and 1:34 a.m. Based upon my experience and my review of the confidential source information and telephone records in this case, I believe that IVANKOV receives messages from IRENE KOMISAR on the SUBJECT TELEPHONE and that IVANKOV uses the SUBJECT TELEPHONE to respond to the message left by his criminal associates.

77. On March 3, 1995, United States Magistrate Judge Marilyn D. Go issued an order directing Cellular One to provide contemporaneous billing information for the SUBJECT TELEPHONE. The FBI has thus far received no records of calls made to or from the SUBJECT TELEPHONE. We have been advised by Cellular One that the absence of records is not the result of IVANKOV's non-use of the SUBJECT TELEPHONE but, rather, IVANKOV's use of the SUBJECT TELEPHONE outside Cellular One's service area in and around New York. However, Cellular One has told the FBI that in or about March 1995, IVANKOV has used the SUBJECT TELEPHONE in the Denver, Colorado area. Currently, when a cellular telephone is outside this area, call details are not available for a period up to eight weeks. FBI technicians are now seeking to obtain ordinary billing information on a contemporaneous basis.

ALTERNATIVE INVESTIGATION TECHNIQUES HAVE BEEN TRIED
AND FAILED OR APPEAR UNLIKELY TO SUCCEED IF TRIED

78. The goals of this investigation are set forth in paragraph 9(c) above. Several investigative techniques have been tried and failed, or reasonably appear likely to fail to achieve all the goals of this investigation if tried and are too dangerous to employ.

79. Physical surveillance of the movements of IVANKOV and his associates has been of limited success. On several occasions, surveillance agents have been able to make fleeting observations of IVANKOV meeting with some of his associates. However, these surveillances have not provided and are not expected to provide detailed, comprehensive evidence regarding the nature and scope of the criminal activities of the individual currently using the SUBJECT TELEPHONE. For instance, as discussed above, IVANKOV has numerous associates in this country and abroad with whom he rarely, if at all, meets in person. One of the purposes of seeking the present order with respect to the SUBJECT TELEPHONE is to obtain evidence concerning the associates of IVANKOV in his criminal activities.

80. Moreover, intensive surveillance is likely to alert IVANKOV or other individuals in possession of the SUBJECT TELEPHONE that his activities are being monitored and could result in the temporary cessation of illegal activities or a change in methods. In mid-1994, IVANKOV's name began to appear in widely circulated reports and articles which identified him as the head of ROC in the United States. Prior to the media blitz, the FBI was able to conduct more effective surveillance of IVANKOV in the New York area. As the publicity began to intensify, IVANKOV became even more cautious and largely disappeared from sight. In the past month alone, there have been major reports on the Cable News Network in which IVANKOV was again identified as a leading ROC figure. As in the past,

IVANKOV reacted by staying away from New York and, at a minimum, becoming more guarded in his movements (see ¶ 72 above).

Although confidential sources continue to report his appearance in various cities across the United States, including Denver, Milwaukee and Los Angeles, the FBI has had limited success conducting physical surveillance of IVANKOV. Commonly we learn of his presence in a given city only after he has moved to a different one.

81. The government cannot obtain sufficient evidence of the criminal activity described herein through physical surveillance alone. Based upon my experience as an FBI agent, and my familiarity with this investigation, I believe that drug dealing, extortion and the activities associated with these crimes -- such as negotiations, exchanges of drugs and/or money, demands for payment, the making of threats or actual commission of violence -- will be made in a covert manner in private areas where physical surveillance of those activities would be difficult, or, if successful, would likely disclose the existence of this investigation to the subjects and their confederates. Surveillance can identify participants in meetings between subjects, but cannot often disclose any criminal activity. For example, surveillance will not, in most instances, be sufficient to detect the conveying and carrying out of threatened violence.

82. Seeking arrest warrants at this time would be premature in light of a number of factors, including the fact that FBI agents have not yet identified many of the particular

individuals to be arrested. Since its inception, this investigation has focused on IVANKOV and his associates. We believe that there are associates of IVANKOV who are operating in the New York area and elsewhere in the United States and abroad. We believe that evidence of this involvement in extortion and drug dealing which would identify his associates, and others, will be obtained through the interception of wire communications over the SUBJECT TELEPHONE. Thus, we believe that for investigative and prosecutive reasons, it would be premature to seek arrest warrants at this time.

83. To date, it has not been feasible to use confidential sources on any regular basis to obtain evidence concerning IVANKOV's ongoing criminal conduct. Based on my experience and training, I have learned that criminal organizations, especially those engaged in drug dealing and acts of violence, do not have close dealings with individuals unless they have established these individuals' trustworthiness and reliability. Such organizations do not open themselves up to strangers. This hostility to outsiders is especially strong among ROC groups due to, among other factors, their harsh experiences in Soviet prisons and their highly suspect positions in Soviet society. To the extent this affidavit relies upon confidential information, the sources do not have such access to the targets of the investigation that they could discover all of the targets' criminal activities or associates. For example, the sources referred to above have provided historical information

and information about certain of IVANKOV's current activities, but they have not been able to describe much of IVANKOV's activities and many of his associates, particularly given the complexity and geographical breadth of many of his criminal dealings. Based on my experience, ROC members typically do not disclose the identity of their associates and, particularly, their suppliers, to protect their business and security. These circumstances reinforce the need for electronic surveillance to further identify and obtain evidence against IVANKOV and his associates.

84. Telephone toll records and pen register data are of limited value. Contemporaneous billing information has been difficult to obtain, as explained above. Even if it can be obtained for the SUBJECT TELEPHONE, it will only indicate the numbers called from the SUBJECT TELEPHONE. It will not provide the nature of the communications occurring over the SUBJECT TELEPHONE or the identities of the speakers participating in those communications. Interceptions of conversations over the SUBJECT TELEPHONE will likely provide evidence of the crimes the subjects have committed and will commit.

85. The use of search warrants is premature in light of the fact, for example, that we have not yet identified locations to be searched.

86. At this juncture, the use of investigative grand juries and interviews would alert the subjects to the existence of the investigation, and would prevent the government from

identifying other co-conspirators. The crimes which the government is investigating would not be revealed solely by examination of records of those named herein or their confederates. Furthermore, information gleaned from the interception of wire communications may enable us to make seizures of either narcotics, records or money from co-conspirators in such a way that it would not arouse other suspicions as to the existence of the government's continuing investigation.

87. Random interviews or grand jury appearances of those named herein and individuals with whom they are believed to be committing the offenses set forth above would not further the investigation. The named subjects and their confederates are themselves criminally culpable. Consequently, they will be of little assistance to the government or the grand jury. Any interviews or grand jury appearances will likely alert the subjects to the existence of the investigation prematurely.

88. The use of undercover agents is also not feasible at this time since the targets of the investigation are generally not receptive to the introduction of individuals who are outside their close knit group, as discussed above. It is neither safe nor possible to introduce undercover agents into circumstances where the agents would be likely to overhear or observe activities that would contribute to the proof of the criminal activities of those named herein. As described above, ROC groups are exceptionally hostile to outsiders and certainly unlikely to

disclose the scope of their activities to an undercover officer. It is not feasible or likely, therefore, that an undercover officer would be allowed to have such relationships with the targets of the investigation or would be able to obtain, through other undercover methods, evidence of the targets' criminal activities.

MINIMIZATION

89. Special Agents of the FBI and other authorized officers and monitors will make only such interceptions as are consistent with the objectives of this application and the Court's orders. All such interceptions will be minimized in accordance with Chapter 119 of Title 18, United States Code, and all interceptions conducted pursuant to this Court's Order will terminate upon attainment of the authorized objectives or, in any event, at the end of thirty (30) days measured from the earlier of the day on which investigative or law enforcement officers first begin to conduct an interception under the Court's Order or ten (10) days after the Order is entered. Monitoring of conversations will terminate immediately when it is determined that the conversation is unrelated to communications subject to interception under Chapter 119 of Title 18, United States Code. Interception will be suspended immediately when it is determined through voice identification, physical surveillance, or otherwise, that none of the named interceptees or any of their confederates, when identified, are participants in the conversation, unless it is determined during the portion of the

conversation already overheard that the conversation is criminal in nature. If the conversation is minimized, monitoring agents shall spot check to ensure the conversation has not turned to criminal matters. All individuals conducting the interception will be instructed to minimize privileged communications including those privileged communications between an attorney and his or her client or any other recognized privilege.

FOREIGN LANGUAGE EXCEPTION

90. It is anticipated that most of the conversations to be intercepted will be spoken chiefly in Russian and also possibly in Assyrian. Therefore, it is expected that an expert in Russian and Assyrian or the coded language will be available for translation and for monitoring purposes during the interception whenever possible. In the event that the expert/translator is not a federal agent, the translator, whether a language-trained support employee or under contract to the government, will be under the supervision of a federal agent. If, however, such a translator is not reasonably available on the spot, the following after-the-fact minimization procedures have been established pursuant to Title 18, United States Code, Section 2518(5):

(A) All such foreign language conversations will be intercepted and recorded in their entirety.

(B) As soon as practicable after such interception, these conversations will be reviewed and minimized by a translator under the guidance of a federal agent and an English

translation of the pertinent conversations will be furnished to the supervising federal agent.

(C) Your affiant believes that this procedure complies with both the spirit and letter of Section 2518(5), which provides for after-the-fact minimization where codes or foreign languages are used by the interceptees and there is no expert reasonably available to translate the conversation.

WHEREFORE, IT IS HEREBY REQUESTED that Special Agents of the FBI, government employees or individuals operating under a contract with the government who will be acting under the supervision of investigative or law enforcement officers authorized to conduct the interception, be authorized to intercept and record the wire communications of VYACHESLAV KIRILLOVICH IVANKOV, a/k/a "Yaponchik," EDUARD IVANKOV, a/k/a "Edik," VYACHESLAV SLIVA, a/k/a "Slava," JOSEPH SIGALOV, IRENE KOMISAR and others as yet unknown concerning the herein described offenses, occurring to and from CELLULAR TELEPHONE NUMBER (917) 859-2012, BEARING ELECTRONIC SERIAL NUMBER C31CB48, SUBSCRIBED TO BY MEDIA WAVES, 90 WEST STREET, NEW YORK, NEW YORK.

IT IS FURTHER REQUESTED that the authorization apply not only to the SUBJECT TELEPHONE number listed above, but to any changed number subsequently assigned to the same electronic serial number utilized by the SUBJECT TELEPHONE, within the thirty (30) day period. It is also requested that the authorization apply to background conversations intercepted in

the vicinity of the SUBJECT TELEPHONE while the SUBJECT TELEPHONE is off the hook or otherwise in use.

IT IS FURTHER REQUESTED, pursuant to 18 U.S.C. § 2518(3), that in the event that the SUBJECT TELEPHONE is transported outside the jurisdiction of this Court, interceptions may take place in any other jurisdiction within the United States.

IT IS FURTHER REQUESTED that such interception not automatically terminate when the types of communications described above have first been obtained, but be permitted to continue until all communications which reveal the manner in which the subjects of the investigation and others participate in the above described offenses and which reveal (i) the nature, extent and methods of operation of the drug business of VYACHESLAV KIRILLOVICH IVANKOV, a/k/a "Yaponchik," EDUARD IVANKOV, a/k/a "Edik," VYACHESLAV SLIVA, a/k/a "Slava," JOSEPH SIGALOV, IRENE KOMISAR and others; (ii) the identities and roles of accomplices, aiders and abettors, co-conspirators, participants and victims in their illegal activities; (iii) the distribution and transfer of the contraband and money involved in those activities; (iv) the existence and location of records; (v) the existence, location and source of resources used to finance their illegal activities; (vi) the existence, location and disposition of the proceeds from those activities; and (vii) the existence and locations of items used in furtherance of those activities; or for a period of thirty (30) days, beginning on the

earlier of the day on which interceptions are first conducted under the order or ten days after the order is entered, whichever occurs first, pursuant to 18 U.S.C. § 2518.

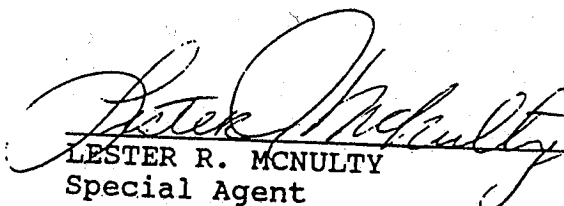
IT IS FURTHER REQUESTED, that, upon the request of the United States, Cellular One, communications service providers as defined in 18 U.S.C. § 2510(15), shall furnish the United States forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively, expeditiously and with a minimum of interference to the services that such provider is according the persons whose communications are to be intercepted, and that the communications service provider be compensated by the United States for reasonable expenses.

IT IS FURTHER REQUESTED that, pursuant to 18 U.S.C. § 2703(c)(1)(B), the Court order that NYNEX, a provider of electronic communication service as defined in 18 U.S.C. § 2510(15), disclose to the applicant and the FBI forthwith all published and non-published subscriber information and toll records and information pertaining to the telephone numbers used, if any, which may be requested in furtherance of this investigation, within twenty-four (24) hours of said request, there being reason to believe that the contents of the information sought are relevant to legitimate law enforcement inquiry.

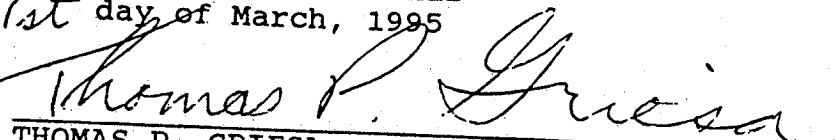
IT IS FURTHER REQUESTED that, to avoid prejudice to this criminal investigation, the Court order NYNEX and Cellular

One, and their respective agents and employees not to disclose or cause a disclosure of this Court's Order or the request for information, facilities, and assistance by the FBI or the existence of the investigation to any person other than those of their agents and employees who required said information to accomplish the services requested herein. In particular, said providers and their agents and employees should be ordered not to make such disclosure to a lessee, telephone subscriber, or any interceptee or participant in the intercepted communications.

IT IS FURTHER REQUESTED that this affidavit, the attached application, the resulting order and all reports pursuant to that order be sealed until further order of the Court.


LESTER R. MCNULTY
Special Agent
Federal Bureau of Investigation

Sworn to before me this
31st day of March, 1995


THOMAS P. GRIESA
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK