

Approved: HARRY A. CHERNOFF
ERIC SNYDER
Assistant United States Attorneys

Before: HONORABLE THEODORE H. KATZ
United States Magistrate Judge
Southern District of New York

08 MAG 2793

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UNITED STATES OF AMERICA	:	SEALED COMPLAINT
- v. -	:	Violation of
	:	18 U.S.C. § 1503
FARSHID JAHEDI,	:	
Defendant.	:	COUNTY OF OFFENSE:
	:	New York

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GEORGE ENNIS, 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

(Obstruction of Justice)

1. On or about December 18, 2008, in the Southern District of New York and elsewhere, FARSHID JAHEDI, the defendant, unlawfully, willfully, and knowingly did corruptly influence, obstruct, and impede, and endeavor to influence, obstruct, and impede, the due administration of justice, to wit, JAHEDI corruptly withheld, concealed, and destroyed documents that were requested by a Grand Jury subpoena which was personally served on JAHEDI on December 17, 2008.

(Title 18, United States Code, Section 1503.)

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

2. I am a Special Agent with the FBI. I have been personally involved in the investigation of this matter, and I base this affidavit on that personal experience, as well as on my conversations with other law enforcement agents and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the offense cited above, it does not include all the facts that have been learned during the

course of the investigation. Where the contents of conversations of others are reported herein, they are reported in sum and substance and in part.

3. I am the case agent in charge of an investigation of Assa Corporation ("Assa Corp."), a New York corporate entity; Assa Company Limited ("Assa Co. Ltd."), a corporation domiciled in Jersey, Channel Islands, United Kingdom; and Bank Melli Iran ("Bank Melli"), an Iranian-chartered bank owned by the Government of Iran. The investigation concerns a 1989 transaction involving 650 Fifth Avenue, New York, New York, a Manhattan office tower ("the Building") which is largely filled by commercial tenants. The Building was constructed in 1970s by the Pahlavi Foundation, a non-profit organization then directed by the Shah of Iran, with a loan from Bank Melli. The Pahlavi Foundation's name was changed several times and it currently called the Alavi Foundation ("Alavi"). In 1989, in order to avoid a substantial anticipated tax liability, Alavi repaid its mortgage to Bank Melli by selling a 40% interest in the Building to Assa Corp., a subsidiary of Assa Co. Ltd., both of which were shell companies owned by Bank Melli. In 1999, the U.S. Treasury Department's Office of Foreign Asset Control identified Bank Melli and its offices worldwide as entities "owned or controlled by the Government of Iran." 31 C.F.R. Part 560, App. A. Accordingly, Bank Melli is subject to the Iranian Transactions Regulations ("ITR"), Title 31 United States Code of Federal Regulations, Part 560, and Assa Co.'s interest in the Building and its rents is subject to civil forfeiture, as fully set forth in a Verified Complaint, United States v. All Right, Title, and Interest of Assa Corporation, Assa Company Ltd., and Bank Melli Iran in 650 Fifth Avenue Company et al., 08 Civ. 10934 (RJH) ("the Verified Complaint"), filed on December 17, 2008, in United States District Court for the Southern District of New York, a complaint which I verified. The Verified Complaint is attached hereto as Exhibit B and is incorporated by reference herein. It contains a fuller description of the investigation and the facts underlying the allegations in the Verified Complaint.

4. On December 17, 2008, at about the same time that the Verified Complaint was being served on the relevant civil defendants, FBI agents and other law enforcement personnel working with them interviewed JAHEDI, who is the current president of Alavi, at his offices in New York, New York. JAHEDI was then served, as president of Alavi, with a Grand Jury subpoena dated December 17, 2008, directed to Alavi, attention of JAHEDI (the "Grand Jury Subpoena").

5. The Grand Jury Subpoena commanded Alavi to provide, for the time period from 1989 to the present, "any and all documents relating or referring to" the following entities: 650 5th Avenue Company, also known as 650 Fifth Avenue Company; the Alavi Foundation of New York; Assa Corporation; and Assa Company, Limited. The Grand Jury Subpoena also specified that

the scope of the request "should include, but not be limited to," the following items:

- a. "Contracts and/or agreements relating to financial transactions of any type and kind, including sale, purchase, rental, management, lease or transfer of ownership;
- b. Financial statements;
- c. Deposit slips and deposit items to which the slips relate (front and back);
- d. Cancelled checks;
- e. Payment receipts;
- f. Records of transfer of funds by wire, collection, or internal transfer (incoming and outgoing);
- g. Correspondence, to include e-mails, faxes, etc."

6. When FARSHID JAHEDI, the defendant, was handed that Grand Jury Subpoena, agents reviewed the Grand Jury Subpoena with JAHEDI and asked JAHEDI if he understood what the Grand Jury Subpoena directed him to produce. JAHEDI confirmed that he understood what the Grand Jury Subpoena required of him. In addition, JAHEDI was cautioned by agents not to destroy any of the documents requested by the Grand Jury Subpoena. JAHEDI confirmed that Alavi would comply with the subpoena and that he (JEHEDI) would not destroy documents called for by the Grand Jury Subpoena.

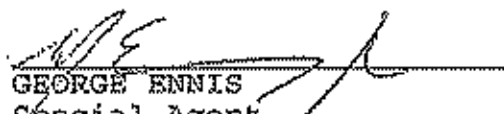
7. Following this interview, on December 18, 2008, FBI personnel conducting surveillance of FARSHID JAHEDI, the defendant, witnessed the following:

- a. JAHEDI left his office and took a train to the town where he resides, where he entered an automobile;
- b. JAHEDI then drove in a circuitous manner to a location near his residence;
- c. After parking, JAHEDI waited in the car for approximately five minutes and then exited the car;
- d. After exiting the car, JEHEDI walked to a public trash can, while appearing to attempt to determine whether anyone was following him;

e. Upon reaching the trash can, JAHEDI discarded papers he had retrieved from his pockets.

8. FBI personnel subsequently retrieved the papers from the trash can, and determined that they were torn documents in English and Farsi, both handwritten and typed. Based on preliminary efforts to reconstruct the documents, it appears that they are responsive to the Grand Jury Subpoena. For instance, two of the torn documents refer to Assa Ltd. Another of the documents contains a handwritten diagram appearing to depict relationships or transactions involving Assa Co., Assa Ltd., and 650 Fifth Avenue Company. Another handwritten document refers to a property sale.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of FARSHID JAHEDI, the defendant, and that he be arrested and imprisoned or bailed as the case may be.


GEORGE ENNIS
Special Agent
Federal Bureau of
Investigation

Sworn to before me this
11th day of December, 2008.


HONORABLE THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK