

Approved: Nicholas S. Bradley  
NICHOLAS S. BRADLEY  
Assistant United States Attorney

Before: THE HONORABLE ANDREW E. KRAUSE  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA

: COMPLAINT 21mj7759

- v. -

: Violation of  
18 U.S.C. § 371

YE HEIN ZAW,

:  
COUNTIES OF OFFENSE:  
WESTCHESTER, NEW YORK

Defendant.

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SOUTHERN DISTRICT OF NEW YORK, ss.:

JUSTIN M. GRAY, 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

1. From at least in or about July 2021 through at least on or about August 5, 2021, in the Southern District of New York and elsewhere, YE HEIN ZAW, the defendant, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate and agree together and which each other to commit an offense against the United States, in violation of Title 18, United States Code, Section 112(a).

2. It was a part and an object of the conspiracy that YE HEIN ZAW, the defendant, and others known and unknown, knowingly and intentionally would assault, strike, wound, imprison, and offer violence to a foreign official, to wit, the Myanmar Permanent Representative to the United Nations (the "Ambassador"), and make any other violent attack upon the person or liberty of such person, in violation of Title 18, United States Code, Section 112(a).

Overt Acts

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

a. In or about July 2021, an arms dealer referred to herein as "CC-1" contacted an individual referred to herein as "CC-2" while CC-2 was in the vicinity of New York, New York to offer CC-2 money to hire attackers to injure or kill the Ambassador.

b. On or about July 23, 2021, YE HEIN ZAW, the defendant, transferred approximately \$2,000 to CC-2 as advance payment for the attack on the Ambassador, and further sent CC-2 a text message confirming the same.

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

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

4. I am a Special Agent with the FBI, and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses, and others, as well as my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. Based on my participation in this investigation, my review of reports and records in this investigation, and my discussions with others, including other law enforcement agents, I have learned the following, in part and in substance.

a. In or about February 2021, the Burmese military overthrew Myanmar's elected civilian government in a coup. The Ambassador, who is currently Myanmar's Permanent Representative to the United Nations, represents Myanmar's now-deposed civilian government. It is my understanding that the

United Nations has not acknowledged the military coup in Myanmar, and the Ambassador remains the country's ambassador to the United Nations despite the Burmese military's attempt to remove the Ambassador from his post.

b. As described below, on or about August 3, 2021, the FBI received information regarding a contract that had been paid to kill or injure the Ambassador. The Ambassador resides in Westchester County, New York and works in the Permanent Mission of the Republic of the Union of Myanmar to the United Nations, which is located in New York, New York (the "Mission").

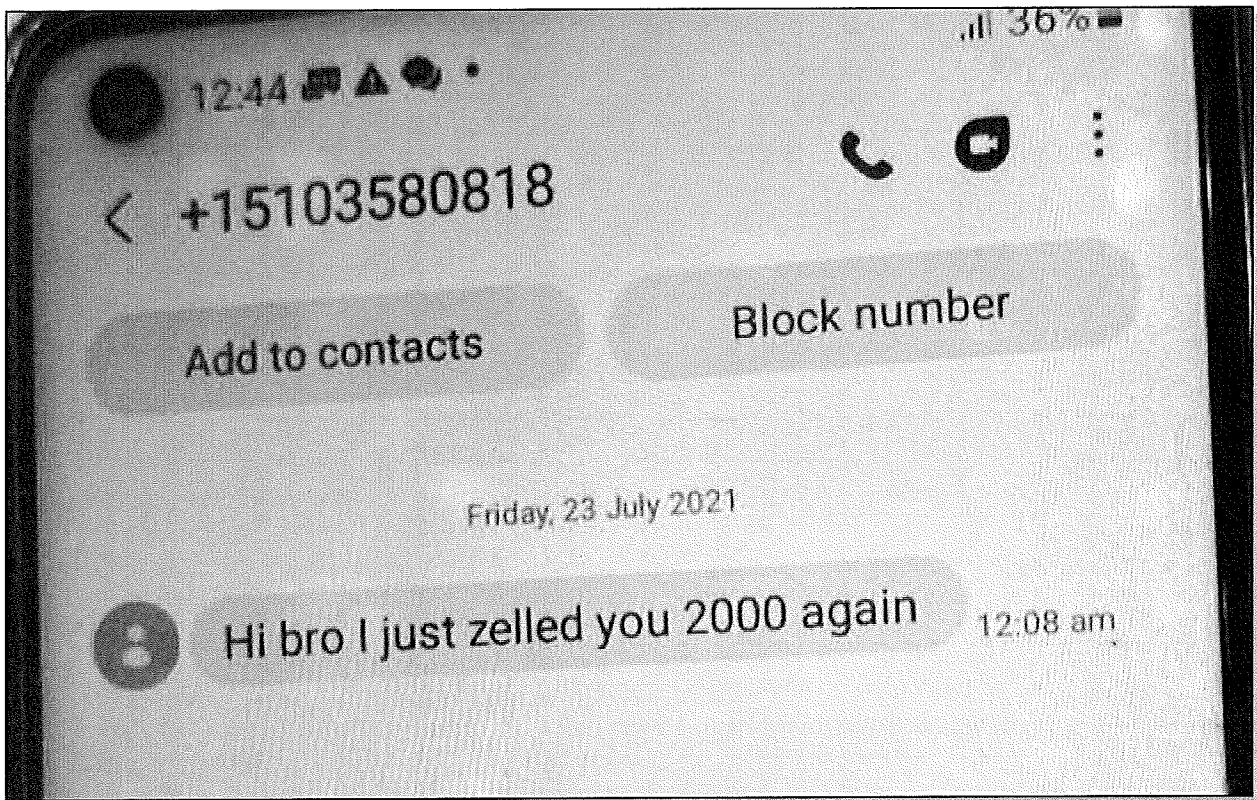
c. As part of the investigation, on or about August 3, 2021, law enforcement agents conducted an interview of an individual who works as part of the volunteer security detail for the Ambassador at the Mission ("Security Officer-1"). During the interview, Security Officer-1 described, in part and in substance, how an individual known to Security Officer-1 and described herein as "CC-2" had approached Security Officer-1 and described how CC-2 had been in contact with an arms dealer in Thailand ("CC-1") who sells weapons to the Burmese military, which overthrew Myanmar's civilian government in or about February 2021. CC-2 stated to Security Officer-1, in part and in substance, that CC-1 had an intermediary pay CC-2 a sum of money to hire a hitman to kill or injure the Ambassador.

d. As part of the investigation, I and other law enforcement agents subsequently met with and conducted a *Mirandized* interview of CC-2 on or about August 4, 2021 at FBI offices in the vicinity of Rye, New York. During the interview, CC-2 stated, in part and in substance, that CC-1 had contacted CC-2 over Facebook and FaceTime communications while CC-2 was staying at the Mission in New York. During the ensuing communications with CC-2, CC-1 stated, in part and in substance, that he saw a picture of CC-2 at the Mission and offered to give CC-2 money so that CC-2 could hire attackers to hurt the Ambassador in an attempt to force the Ambassador to step down from his post. If the Ambassador did not step down, then CC-1 proposed, in part and in substance, that the attackers hired by CC-2 would kill the Ambassador. Following that discussion, CC-2 and CC-1 agreed in substance on a plan for CC-2 to hire others to tamper with the tires on the Ambassador's car to cause a crash while the Ambassador was inside.

e. As part of the interview, CC-2 also explained, in part and in substance, that after agreeing on the plan with CC-

1, an intermediary, later identified as YE HEIN ZAW, the defendant, contacted CC-2 on phone calls from a call number beginning with a 510 area code (the "510 Number"). CC-2 then received on or about July 22, 2021 and July 23, 2021 two transfers of approximately \$2,000 each over the money transfer app Zelle from a user named "Ye Hein Zaw." As explained below, such transfers were consistent with the agreed-upon amount that CC-1 and CC-2 negotiated for the attack.

f. According to CC-2, the agreement with CC-1 was for CC-2 to receive approximately \$4,000 up front for the planned attack, and an additional \$1,000 after the attack on the Ambassador was completed. CC-2 explained, in part and in substance, that the \$4,000 came in two transfers because of transfer limits on ZAW's Zelle account. After the second transfer, CC-2 received the following text message from the 510 Number on or about July 23, 2021:



g. Contemporaneous with that text message from the 510 Number, CC-2 received an automated message from Zelle showing a \$2,000 transfer had arrived from ZAW:

