



U.S. Department of Justice

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PRESS RELEASE

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South African resident sentenced for trafficking
in nuclear detonators and other commodities
controlled for nuclear non-proliferation reasons

Washington, D.C. - United States Attorney Kenneth L. Wainstein, Acting Assistant Secretary of Commerce for Export Enforcement Wendy L. Wysong, Michael J. Garcia, Department of Homeland Security Assistant Secretary for U.S. Immigration and Customs Enforcement (ICE), and Assistant Director in Charge, Michael A. Mason of the Federal Bureau of Investigation announced that on August 4, 2005, United States District Judge Ricardo M. Urbina sentenced Asher Karni, 51, of Cape Town, South Africa, to 36 months of incarceration.

In September 2004, Karni pled guilty to a five-count Information charging him with conspiracy and export violations arising out of his unlawful exports of U.S. origin commodities that are controlled for nuclear non-proliferation reasons to Pakistan and India. Karni faced a sentencing range of 87 to 108 months under the United States Sentencing Guidelines. However, Judge Urbina reduced his sentence to reflect Karni's substantial assistance to the government.

"Yesterday's sentencing shows that a prison cell awaits anyone who illegally trades in technology with military and nuclear applications," said Kenneth L. Wainstein, United States

Attorney for the District of Columbia. "Our law enforcement personnel and their counterparts overseas will spare no effort to stamp out the global threat posed by this black market trade."

"Countering nuclear proliferation is a top priority of the Commerce Department's export control enforcement efforts," said Wendy L. Wysong, Acting Assistant Secretary of Commerce for Export Enforcement. "This wide-ranging and thorough investigation and prosecution highlights both the Department's ability to use our unique knowledge to bring those who enable the spread of nuclear weapons related technology to justice, and the partnership between the Commerce Department and industry to keep the most sensitive U.S. commodities out of the most dangerous hands."

"The proliferation of nuclear components is not only a homeland security threat, but a global threat. This case in particular raised serious concerns. The technology involved, the destination of these goods, and the clear efforts to disguise the trail of the shipments raised the stakes even higher," said Michael J. Garcia, Department of Homeland Security Assistant Secretary for U.S. Immigration and Customs Enforcement (ICE).

According to the criminal information to which Karni pled guilty, he was the owner of a firm in Cape Town, South Africa, known as Top-Cape Technology ("Top-Cape"), which specialized in the import and export of high-end electronics products. Sometime around 2002, Humayun Khan, the owner and chief executive officer of an Islamabad, Pakistan, business known as Pakland PME Corporation ("Pakland") approached Karni and inquired whether Karni would help him acquire certain models of oscilloscopes manufactured by Tektronix, Inc. ("Tektronix"), of Beaverton, Oregon. Because these particular models of oscilloscopes have applications in the testing and development of nuclear weapons and missile delivery systems, the Department of Commerce requires

anyone seeking to export them to certain countries, including Pakistan, to obtain a license. Khan, who was an authorized distributor for Tektronix in Pakistan, was well aware of that licensing requirement.

Karni agreed to assist Khan in obtaining the Tektronix oscilloscopes, even though Khan told him that they were subject to U.S. export controls and warned him not to disclose the true destination of the products.

In March 2003, Karni obtained one of the models of controlled oscilloscopes from a firm in Plainview, New York. He directed that the firm send the oscilloscope to Top-Cape in Cape Town, South Africa. Shortly after its arrival in South Africa, Karni re-exported the product to a company in Pakistan that Khan had designated. At no time during this transaction did either Karni or Khan obtain a license from the Department of Commerce in the District of Columbia for this export to Pakistan.

In August 2003, Karni acquired two additional controlled Tektronix oscilloscopes in the United States and diverted them to a Khan customer in Pakistan through South Africa without obtaining the necessary license. In addition, throughout 2003, Karni and Khan worked to fill a \$1.3 million order for controlled Tektronix oscilloscopes for a third Khan client in Pakistan.

In June 2003, Khan sent an e-mail to Karni asking him to purchase triggered spark gaps for a customer in Pakistan. Triggered spark gaps are high speed electrical switches that are often used in a medical device known as a lithotripter, which doctors utilize in treating kidney stones. Triggered spark gaps also have military applications. One such application is as a detonator for nuclear weapons. Accordingly, the Department of Commerce controls the export of triggered spark gaps to certain countries, including Pakistan, for nuclear non-proliferation reasons. Exports of triggered spark gaps to South Africa, unlike

Pakistan, are not prohibited.

The triggered spark gaps that Khan sought were manufactured by Perkin Elmer Optoelectronics of Salem, Massachusetts ("Perkin Elmer"). At Khan's direction, Karni first made inquiries of Perkin Elmer's French sales representative. The sales representative quoted Karni a price, but also advised him that the spark gaps required a U.S. export license and that Karni needed to certify both that the product would remain in South Africa and that it would not be used for any nuclear purposes. Karni forwarded this information to Khan and initially declined to pursue the order. Khan, however, prevailed upon Karni to continue to find a source for the triggered spark gaps.

In July 2003, an anonymous source informed agents of the Office of Export Enforcement (OEE) of the Department of Commerce and ICE that Karni was in the process of using a broker in Secaucus, New Jersey, to obtain 200 Perkin Elmer triggered spark gaps for ultimate shipment to Pakistan through South Africa. The agents approached Perkin Elmer, which agreed to cooperate in the investigation and to render inoperable the triggered spark gaps that the New Jersey broker was in the process of ordering.

In October 2003, the OEE and ICE agents were able to track the first installment of 66 triggered spark gaps as the package traveled from the United States to Top-Cape in South Africa and then on to Pakistan through the United Arab Emirates.

As a result of outstanding cooperation among U.S. and South African law enforcement agencies, a key break in the investigation came on December 11, 2003. On that date, OEE and ICE agents searched the offices in New Jersey of the broker that Karni was using to acquire the triggered spark gaps. Simultaneously, in coordination with U.S. authorities, members of the South African Police Service executed a search warrant at Karni's office in Cape Town, South Africa, which led to the

seizure of emails and documents that furthered this investigation.

On January 1, 2004, agents arrested Karni as he entered the United States at Denver International Airport. On September 14, 2004, he pled guilty under seal to five federal felonies, including conspiracy to export controlled nuclear technology items to Pakistan. He also agreed to cooperate with the on-going investigation. On April 6, 2005, a federal grand jury sitting in the District of Columbia returned a four-count indictment charging Khan with conspiracy and export violations.

In announcing this sentence, U.S. Attorney Wainstein, Acting Assistant Secretary Wysong, Assistant Secretary Garcia, and Assistant Director in Charge Mason praised the superb investigative work of OEE Special Agents James Brigham and David Poole, ICE Special Agents William Argue and Ronald Branch, and F.B.I. Special Agents Russell Nimmo and Reid Wilson. They also would like to express their strong appreciation to Christopher Macadam of the National Prosecuting Authority of South Africa, Superintendent Jan de Lange and Captain Benjamin Nel of the South African Police Service, and D. J. van Beek of the South African Department of Trade and Industry. They also commended United States Attorney's Office Legal Assistant Cheryl Simms, who has provided outstanding support throughout the investigation, and Assistant United States Attorney Jay Bratt, who prosecuted the case and is handling the Khan prosecution.