

# Russian man's lawyers: Hacking charges should be dismissed

April 8 2015, by Martha Bellisle

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Lawyers for a Russian man accused of hacking into U.S. restaurants and stealing credit card numbers have asked a federal judge to dismiss the indictment against him, arguing that the U.S. Secret Service overstepped its authority when agents took him into custody in the Maldives.

Roman Seleznev's lawyers said the agents knowingly violated U.S. law, the law of the Maldives and "generally applicable principles of international law" when they grabbed him at the Maldives airport as he, his girlfriend and her daughter prepared to board a flight back to Russia, his lawyers said. His capture was an illegal "abduction" and for that reason, the 40-count indictment charging Seleznev with wire fraud, computer hacking and identity theft should be dismissed, according to the motion filed in U.S. District Court on Tuesday.

Emily Langlie, spokeswoman for the U.S. Attorney's Office in Seattle, the office plans to file a response to the motion, but in the interim, she said the filings from when the case was litigated in Guam show that the ruling was in favor of the government's actions.

Federal prosecutors describe Seleznev, 30, as "a leader in the marketplace for stolen credit cards." They said his criminal scheme involved hacking into business computers, everything from pizza shops to baking companies, and stealing more than two million [credit card numbers](#). He then sold that data on a special website and made millions, the indictment said.

But Russell Leonard, an assistant federal public defender, said the indictment should be thrown out because his arrest violated "three separate bodies of substantive law."

The description of his capture detailed in the motion for dismissal reads like a script from a James Bond movie.

The Secret Service knew Seleznev was in Russia in 2013, but did not use the Mutual Legal Assistance Treaty between the U.S. and Russia to take action, the motion said. But when agents learned he was vacationing in the Maldives, they flew over and stopped him, his girlfriend and her daughter as they were preparing to leave, the motion said.

The U.S. has no extradition treaty with the Maldives, and the U.S. could not force authorize there to arrest Seleznev, the motion said. On July 3, the U.S. Embassy in Colombo, Sri Lanka, sent a diplomatic note to the Maldivian Ministry of Foreign Affairs asking it to help in the "removal" of Seleznev. But Maldivian police wanted a copy of an Interpol "Red Notice" - similar to an arrest warrant - before they would help, the motion said. The warrant was denied and the U.S. has not produced an order from the Maldivian court expelling Seleznev or authorizing his capture, the motion said.

Lacking authority from the Maldivian government to take Seleznev into custody, the agents "disregarded the Maldives' sovereign rights and concocted a scheme to kidnap Mr. Seleznev using means outside the Maldivian legal system," the motion said. As Seleznev and his family entered the Ibrahim Nasir International Airport in Male, two men grabbed him and took him to a room, the motion said.

As soon as he was separated from the others, the agents "rushed" him and one threw him on a couch, the motion said. The agent said he was with the U.S. Secret Service and Seleznev was under arrest. Agents

draped a T-shirt over his handcuffs and led Seleznev through the airport terminal to another small room. He was then taken to an unmarked private jet. After a 10-hour flight, they landed in Guam and Seleznev was placed in a holding cell, the motion said. He then had an initial appearance before a U.S. judge.

Maldavian police never participated in the arrest, the motion said. Instead, "a team of United States agents running amok in a foreign nation" abducted him, the motion said.

"Mr. Seleznev's abduction sets a terrible precedent that will put U.S. citizens traveling or residing in other countries at greater risk," the motion said. "If this court allows this indictment to stand, what is to stop an intelligence agency from Syria, Iran or another country with whom the U.S. does not always see eye-to-eye from abducting a U.S. citizen in the Maldives and charging him with blasphemy or some other charge that the U.S. may or may not find dubious?"

They urged the judge to dismiss the indictment and release Seleznev.

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