

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNDER SEAL

UNITED STATES OF AMERICA)
)
 v.)
)
 MERGIA NEGUSSIE HABTEYES,)
 a/k/a "Mergia Negussie,")
 a/k/a "Mergia Nigussie,")
 a/k/a "Mergia Niguse,")
 a/k/a "Ato Mergia Negussie,")
 a/k/a "Mergia Habteyes,")
 a/k/a "Mergia Negusie Habteyesus,")
 a/k/a "Mergiya Negussie Haileyesus,")
)
 Defendant.)

Case No. 1:18-cr-305

Count 1: 18 U.S.C. § 1425(a)
(Unlawful Procurement of Naturalization)

Count 2: 18 U.S.C. § 1425(b)
(Unlawful Procurement of Naturalization)

INDICTMENT

August 2018 Term – at Alexandria, Virginia

THE GRAND JURY CHARGES THAT:

GENERAL ALLEGATIONS

1. In 1974, Ethiopia's imperial government was overthrown by a council of military officers commonly known as the "Derg," which remained in power until 1987. In 1977, Mengistu Haile Mariam became the Derg's chairman. Under Mengistu's rule, the Derg launched a violent campaign against political opponents, including members and perceived members of the Ethiopian People's Revolutionary Party (the "EPRP"), as well as former high-ranking officials of the prior government and their family members. This period of violence, which spanned approximately two years, came to be known as *Qey Shibir* or the "Red Terror."

2. During the Red Terror, the Derg sought to identify EPRP members and disarm them both of weapons and propaganda materials. EPRP leaders, members, and associates were arrested, detained, and, at times, executed. Large urban homes and villas were converted to

makeshift neighborhood prisons where EPRP members, as well as individuals associated with the prior government, were detained, interrogated, and tortured. The Derg armed local civilian supporters who served as interrogators within the makeshift prisons.

3. During the Red Terror, the Ethiopian capital of Addis Ababa was organized into *Kefetengas*, which were administrative units akin to city wards or districts. *Kefetenga* is an Amharic word that translates to “Higher” in English. *Kefetenga* Three, or Higher Three, was a district in Addis Ababa in which a large villa was converted into a makeshift prison to house detainees during the Red Terror.

4. During the Red Terror, the defendant, MERGIA NEGUSSIE HABTEYES, a/k/a “Mergia Negussie,” “Mergia Nigussie,” “Mergia Niguse,” “Ato Mergia Negussie,” “Mergia Habteyes,” “Mergia Negusie Habteyesus,” and “Mergiya Negussie Haileyesus” (referred to in the remaining introductory allegations as “NEGUSSIE”), served as a civilian interrogator in the Higher Three prison from in or around 1977 to in or around 1978.

5. In or around April 1999, NEGUSSIE applied to the United States for refugee status by completing and submitting a Form I-590, Registration for Classification as a Refugee, and Form G-646, Sworn Statement of Refugee Applying for Entry into the United States. On or about April 28, 1999, NEGUSSIE’s application was approved, and he was granted refugee status in the United States. NEGUSSIE entered the United States on or about July 28, 1999.

6. In or around July 2000, NEGUSSIE applied for permanent residence by completing and submitting a Form I-485, Application to Register Permanent Resident or Adjust Status. In conjunction with his application, NEGUSSIE was interviewed, under oath, on or about August 3, 2004. On or about February 17, 2005, NEGUSSIE’s application was approved, and he became a lawful permanent resident of the United States.

7. In or around November 2007, NEGUSSIE applied for naturalization by

submitting a Form N-400, Application for Naturalization. In conjunction with his application, NEGUSSIE was interviewed, under oath, on or about September 20, 2008. On or about that same date, NEGUSSIE became a naturalized United States citizen in a proceeding held at the offices of U.S. Citizenship and Immigration Services located in Fairfax County, Virginia, within the Eastern District of Virginia.

8. During his immigration and naturalization processes, NEGUSSIE repeatedly affirmed, under penalty of perjury, that all of the information provided on his forms and in his statements to United States immigration and naturalization officers was true and correct.

COUNT 1

(Unlawful Procurement of Naturalization)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 8 of the General Allegations of this Indictment are repeated and re-alleged as though fully set forth herein.

2. On or about September 20, 2008, in Fairfax County, Virginia, within the Eastern District of Virginia, the defendant, MERGIA NEGUSSIE HABTEYES, a/k/a “Mergia Negussie,” “Mergia Nigussie,” “Mergia Niguse,” “Ato Mergia Negussie,” “Mergia Habteyes,” “Mergia Negusie Habteyesus,” and “Mergiya Negussie Haileyesus,” did knowingly procure for himself, contrary to law, naturalization and documentary and other evidence of naturalization, that is, a certificate of naturalization for himself, by knowingly making materially false representations on his Form N-400, Application for Naturalization, and in sworn statements to immigration and naturalization officials, including:

- a. that he had never persecuted (either directly or indirectly) any person because of race, religion, national origin, membership in a particular social group, or political opinion, when in fact, as the defendant then and there knew, he had persecuted persons because of their political opinion;
- b. that he had never committed a crime or offense for which he was not arrested, when in fact, as the defendant then and there knew, he had committed, but was not arrested for, violations of the 1957 Penal Code of the Empire of Ethiopia, including grave willful injury (Art. 538), common willful injury (Art. 539), and assault (Art. 544);
- c. that he had never given false or misleading information to any United States government official while applying for any immigration benefit, when in fact, as the defendant then and there knew, he had falsely

represented, and caused to be falsely represented, on his Form I-485, Application to Register Permanent Resident or Adjust Status, that he had never, in or outside the United States, knowingly committed any crime of moral turpitude for which he was not arrested; and

- d. that he had never lied to any United States government official to gain entry or admission into the United States, when in fact, as the defendant then and there knew, he had falsely represented, and caused to be falsely represented, on his Form G-646, Sworn Statement of Refugee Applying for Entry into the United States, that he had never ordered, assisted, or otherwise participated in the persecution of any person because of race, religion, or political opinion, when in fact, as the defendant then and there knew, he had ordered, assisted, and otherwise participated in the persecution of persons because of their political opinion.

(In violation of Title 18, United States Code, Section 1425(a).)

COUNT 2

(Unlawful Procurement of Naturalization)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 8 of the General Allegations of this Indictment are repeated and re-alleged as though fully set forth herein.

2. On or about September 20, 2008, in Fairfax County, Virginia, within the Eastern District of Virginia, the defendant, MERGIA NEGUSSIE HABTEYES, a/k/a “Mergia Negussie,” “Mergia Nigussie,” “Mergia Niguse,” “Ato Mergia Negussie,” “Mergia Habteyes,” “Mergia Negusie Habteyesus,” and “Mergiya Negussie Haileyesus,” did knowingly procure, obtain, and apply for naturalization, citizenship, and evidence of naturalization and citizenship for himself, to which he was not entitled, because at the time of his application for naturalization:

- a. the defendant could not satisfy the requirements for naturalization, pursuant to Title 8, United States Code, Section 1427, in that he was not a person of “good moral character,” given that he gave false testimony for the purpose of obtaining any benefits under Chapter 12 of Title 8 of the United States Code, as set forth and charged in Count 1 of this Indictment; and
- b. the defendant had previously obtained refugee status to which he was not entitled, in that he failed to qualify as a “refugee” pursuant to Title 8, United States Code, Section 1101(a)(42), given that he ordered, incited, assisted, and otherwise participated in the persecution of persons on account of their race, religion, nationality, membership in a particular social group, or political opinion, as set forth and charged in Count 1 of this Indictment.

(In violation of Title 18, United States Code, Section 1425(b).)

REVOCAION OF CITIZENSHIP

Notice is hereby given that upon a conviction of unlawfully procuring naturalization in violation of Title 18, United States Code, Section 1425(a) and/or (b), as charged in this Indictment, the Court shall revoke, set aside, and declare void the final order admitting MERGIA NEGUSSIE HABTEYES, a/k/a "Mergia Negussie," "Mergia Nigussie," "Mergia Niguse," "Ato Mergia Negussie," "Mergia Habteyes," "Mergia Negusie Habteyesus," and "Mergiya Negussie Haileyesus," to citizenship in the United States, and shall declare his Certificate of Naturalization to be canceled, pursuant to Title 8, United States Code, Section 1451(e).

A TRUE BILL


**Pursuant to the E-Government Act,
The original of this page has been filed
under seal in the Clerk's Office**

Foreperson

G. Zachary Terwilliger
United States Attorney


Brian A. Benczkowski
Assistant Attorney General
United States Department of Justice
Criminal Division

By:



Alexander E. Blanchard
Assistant United States Attorney

By:



Jamie B. Perry
Trial Attorney
Human Rights and Special Prosecutions
Section