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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

September 2009 Grand Jury

EDCR 10-00049 VAP

12	UNITED STATES OF AMERICA,)	ED CR No. 10-
13	Plaintiff,)	<u>I N D I C T M E N T</u>
14	v.)	[18 U.S.C. § 1015(a): False
15	JORGE SOSA,)	Statement Relating to
16	aka "Jorge Vinicio)	Naturalization; 18 U.S.C.
17	Sosa Orantes,")	§ 1425(a): Procurement of
18	Defendant.)	Citizenship or Naturalization
)	Unlawfully]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 1015(a)]

A. INTRODUCTION

1. In or around 1982, the Guatemalan military maintained a special forces unit known as the "Kaibiles," who trained at a facility in La Polvora, El Peten, Guatemala, known as "the Kaibil School." In 1982, for a period of several months, the Kaibil School was closed as an instruction facility. During this time, the Kaibiles at the school engaged in activities designed to

1 locate, interrogate, and remove suspected guerrillas and
2 suspected guerrilla sympathizers from the local population.

3 2. In or around November 1982, the Guatemalan guerrilla
4 group known as "Fuerzas Armadas Revolucionarias" (Revolutionary
5 Armed Forces) ambushed a Guatemalan military convoy near Las
6 Cruces, Guatemala, killing soldiers and taking their rifles. In
7 response, the Guatemalan military ordered a special patrol of
8 approximately twenty Kaibiles from the Kaibil School to find the
9 suspected guerrillas and recover the stolen weapons. The special
10 patrol deployed to a small village near Las Cruces named Dos
11 Erres. Defendant JORGE SOSA, also known as "Jorge Vinicio Sosa
12 Orantes," was a commanding officer of this special patrol.

13 3. On or about December 7, 1982, the special patrol
14 entered Dos Erres with the support of approximately forty
15 additional Kaibiles, who created a security perimeter around the
16 village so that no one could enter or escape. The members of the
17 special patrol searched all the houses for the missing weapons,
18 forced the villagers from their homes, and separated the women
19 and children from the men.

20 4. Members of the special patrol interrogated villagers
21 about guerrillas and the stolen rifles. During the course of
22 these interrogations, the special patrol proceeded to
23 systematically kill the men, women, and children at Dos Erres by,
24 among other methods, hitting them in the head with a sledgehammer
25 and throwing them into a well. Members of the special patrol
26 also forcibly raped many of the women and girls at Dos Erres
27 before killing them.

28 5. Defendant JORGE SOSA participated in the crimes

1 committed at Dos Erres, including but not limited to murder.

2 6. On or about March 18, 2008, having previously entered
3 the United States, defendant JORGE SOSA applied to naturalize as
4 a United States citizen. Specifically, defendant JORGE SOSA
5 submitted an Application for Naturalization (Form N-400), which
6 was processed by the San Bernardino Field Office of the United
7 States Citizenship and Immigration Services ("USCIS"), located in
8 San Bernardino, California. Defendant JORGE SOSA currently
9 resides in Riverside County, California.

10 B. THE OFFENSE

11 7. On or about March 18, 2008, defendant JORGE SOSA
12 appeared before a naturalization examiner at the San Bernardino
13 Field Office of USCIS in San Bernardino, California, within the
14 Central District of California, for an interview based on his
15 Form N-400 Application, at which time he knowingly made false
16 statements under oath in a matter relating to, under, and by
17 virtue of any law of the United States relating to naturalization
18 and citizenship; that is, defendant JORGE SOSA swore under oath
19 to the answers he had made in the Form N-400, including:

- 20 (1) Part 10, Question (D)(15), that he had never committed
21 any crime or offense for which he had not been
22 arrested, when in truth and in fact, as he then well
23 knew, he had committed crimes, including but not
24 limited to murder at the village of Dos Erres;
- 25 (2) Part 10, Question (B)(8)(a), that he was not a member
26 of or associated with any organization, association,
27 fund, foundation, party, club, society, or similar
28 group in the United States or in any other place, but

1 failed to list his membership in a foreign military in
2 Part 10, Question (B)(8)(b), when in truth and in fact,
3 as he then well knew, he had been a member of the
4 Guatemalan Army; and

- 5 (3) Part 10, Question (D)(23), that he had never given
6 false or misleading information to any U.S. government
7 official while applying for any immigration benefit,
8 when in truth and in fact, as he then well knew, that
9 he had falsely denied any foreign military service in
10 his Application to Register Permanent Residence or
11 Adjust Status (Form I-485, Part 3(c)).
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COUNT TWO

[18 U.S.C. § 1425(a)]

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3 8. Paragraphs One through Seven of this Indictment are
4 realleged and expressly incorporated herein as if set out in
5 full.

6 9. On or about March 18, 2008, defendant JORGE SOSA
7 submitted an Application for Naturalization (Form N-400), which
8 was processed by the San Bernardino Field Office of the United
9 States Citizenship and Immigration Services ("USCIS"), located in
10 San Bernardino, California, within the Central District of
11 California, wherein he affirmed under penalty of perjury that the
12 answers therein were true and correct. In fact, defendant JORGE
13 SOSA knowingly made a false material statement in the application
14 to Question (D) (15) in Part 10 of the Form N-400, by stating that
15 he had never committed any crime or offense for which he had not
16 been arrested.

17 10. On or about March 18, 2008, defendant JORGE SOSA, in
18 San Bernardino, California, within the Central District of
19 California, appeared before a naturalization examiner for an
20 interview based on his Form N-400 Application, at which time he
21 swore under oath and affirmed under penalty of perjury the
22 answers he had made in the Form N-400. Specifically, on Form N-
23 400 at Part 10, Question (D) (15), and in his subsequent interview
24 under oath, defendant JORGE SOSA falsely stated that he had never
25 committed any crime or offense for which he had not been
26 arrested, when in truth and in fact, as he then well knew, he had
27 committed crimes, including but not limited to murder at the
28 village of Dos Erres.

1 11. As a result of defendant JORGE SOSA's false statements
2 on his N-400 application and to the naturalization examiner,
3 defendant JORGE SOSA did, on or about September 26, 2008, in Los
4 Angeles County, in the Central District of California, knowingly
5 procure United States citizenship, contrary to law, by among
6 other things, making false statements as prohibited by 18 U.S.C.
7 § 1001(a) (False Statements), 18 U.S.C. § 1015(a) (Naturalization
8 Fraud), and 18 U.S.C. § 1546(a) (Document Fraud); all in
9 violation of Title 18, United States Code § 1425(a).

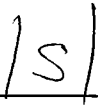
10 Revocation of Citizenship

11 12. Notice is hereby given that upon conviction of Count
12 Two above, defendant JORGE SOSA's September 26, 2008
13 naturalization shall, by Court order, be revoked, set aside, and
14 declared void, and defendant JORGE SOSA's certificate of

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1 naturalization shall, by the same order, be cancelled, pursuant
2 to Title 8, United States Code, Section 1451(e).

3 A TRUE BILL

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6 _____
Foreperson

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8 ANDRÉ BIROTTE JR.
United States Attorney

9
10 LANNY A. BREUER
Assistant Attorney General
Criminal Division

11 

12
13 ROBERT E. DUGDALE
Assistant Attorney General
14 Chief, Criminal Division

15 DENNISE D. WILLETT
Assistant United States Attorney
16 Chief, Santa Ana Branch Office

17 JEANNIE M. JOSEPH
Assistant United States Attorney
18 Central District of California

19 BRIAN D. SKARET
Trial Attorney
20 Criminal Division