

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 13-20772

HONORABLE GERSHWIN A. DRAIN

v.

VIOLATION: 18 U.S.C. § 1425(a)

D-1 RASMIEH YOUSEF ODEH,

also known as "Rasmieh J. Odeh,"
also known as "Rasmieh Joseph Steve,"
also known as "Rasmieh Youssuf Odeh,"
also known as "Rasmieh Yusef Odeh,"
also known as "Rasmea Odeh,"

Defendant.

U.S. DIST. COURT CLERK
EAST. DIST. MICHIGAN
DETROIT
2016 DEC 13 P 4: 33
FILED

FIRST SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

Background

1. The Popular Front for the Liberation of Palestine (also referred to in this Indictment as "the PFLP") is designated by the President of the United States, for purposes of United States law, as a "Specially Designated Terrorist" pursuant to Executive Order 12947. See 60 Fed. Reg. 5079 (Jan. 23, 1995).

2. The Popular Front for the Liberation of Palestine is designated by the Secretary of State of the United States, for purposes of United States law, as a "Foreign Terrorist Organization." *See* 62 Fed. Reg. 52650-01 (Oct. 8, 1997).

3. Defendant Odeh and other individuals associated with the PFLP participated in bombing plots executed on or about February 21, 1969, and February 25, 1969, in Israel. The February 21 plot involved the simultaneous or near simultaneous detonation of multiple bombs in two locations in Jerusalem: a Supersol supermarket and the British Consulate. At the Supersol supermarket, a bomb exploded, killing two persons and injuring many more. The bomb left at the British Consulate was discovered and disarmed. The February 25 plot involved a second bomb left at the British Consulate. That bomb detonated, causing damage to the structure but no injuries to persons.

4. On approximately February 28, 1969, the Israeli government arrested Defendant Odeh and others for their participation in the bombings. On May 5, 1969, the Israel Defense Forces (IDF) charged them in an indictment brought before a military court governed by military law. Defendant Odeh, who was defendant number one in the Israel bombing case, was charged in five of those counts:

Count 1: Membership in an illegal organization – the National Front for the Liberation of Palestine, also known as the PFLP

- Count 2: Placing two bombs at the SuperSol supermarket on February 21, 1969, with the intent of causing death or injury or damage to property (as an accomplice), and did in fact kill two individuals
- Count 3: Membership in an organization that placed two bombs at the SuperSol supermarket with the intent of causing death or injury or damage to property (this was an alternative count to Count 2)
- Count 4: Placing a bomb at the British Consulate on February 21, 1969, with the intent of causing death or injury or damage to property
- Count 7: Placing a bomb at the British Consulate on February 25, 1969, with the intent of causing death or injury or damage to property, and did in fact damage the property

5. On January 22, 1970, the court, after a trial, convicted Defendant Odeh and her four codefendants of crimes relating to the bombings. Specifically, the court found Defendant Odeh guilty of counts one, two, four and seven (membership in an illegal organization, participating in the supermarket bombings on February 21, 1969, and planting the bombs at the British Consulate). The court acquitted Defendant Odeh of count three because it was an alternative charge to count two, of which she was convicted. The court sentenced Defendant Odeh to 10 years' imprisonment on count one and to life imprisonment on counts four and seven.

6. Defendant Odeh served about ten years of her sentences, from March 1, 1969 to March 14, 1979.

7. On March 14, 1979, after having served more than 10 years in prison, the Israeli government released Defendant Odeh as part of a prisoner exchange with the PFLP. Israel released 76 Palestinian prisoners in exchange for an Israeli soldier captured in Lebanon. As part of the prisoner exchange, Defendant Odeh's sentence was commuted.

DEFENDANT ODEH'S APPLICATION FOR AN
IMMIGRANT VISA TO THE UNITED STATES

8. In or about December 1994, Defendant Odeh, a citizen of Jordan, filed an Application for Immigrant Visa and Alien Registration (Department of State Form 230) with the United States government for a visa to immigrate to the United States. The Application for Immigrant Visa and Alien Registration sought information relevant to the decision whether to grant Defendant Odeh an immigrant visa.

9. Question 21 of the Application for Immigrant Visa and Alien Registration stated:

LIST BELOW ALL PLACES YOU HAVE LIVED FOR
SIX MONTHS OR LONGER SINCE REACHING THE
AGE OF 16. BEGIN WITH YOUR PRESENT
RESIDENCE.

The application then provided columns to list "CITY OR TOWN", "PROVINCE", "COUNTRY", "OCCUPATION", and "DATES (FROM/TO)". Defendant Odeh's full response falsely stated that she had lived in Amman, Jordan, from 1948 onward,

thereby intentionally omitting the details of her residence, including the ten years in which she had been imprisoned in Israel, not in the nation of Jordan. Defendant Odeh's response was false in other ways as well, because even excluding the period of time she was imprisoned, she had not lived in Amman, Jordan, nor even the nation of Jordan from 1948 continuously through December 1994 (the date on which she completed the Application for Immigrant Visa and Alien Registration).

10. Question 33 of the Application for Immigrant Visa and Alien Registration stated the following:

United States laws governing the issuance of visas require each applicant to state whether or not he or she is a member of any class of individuals excluded from admission into the United States. The excludable classes are described below in general terms. You should read carefully the following list and answer YES or NO to each category. The answers you give will assist the consular officer to reach a decision on your eligibility to receive a visa.

EXCEPT AS OTHERWISE PROVIDED BY LAW,
ALIENS WITHIN THE FOLLOWING
CLASSIFICATIONS ARE INELIGIBLE TO RECEIVE
A VISA. DO ANY OF THE FOLLOWING CLASSES
APPLY TO YOU?

After listing the various classifications that render an applicant ineligible to receive a visa, the Application for Immigrant Visa and Alien Registration stated:

If the answer to any of the foregoing questions is YES or if unsure, explain in the following space or on a separate sheet of paper.

Defendant Odeh falsely checked the box marked "No" to each of the following classifications:

[1] An alien convicted of, or who admits committing a crime involving moral turpitude[.]

[2] [A]n alien convicted of 2 or more offenses for which the aggregate sentences were 5 years or more[.]

11. Question 34 of the Application for Immigrant Visa and Alien Registration asked the following:

Have you ever been arrested, convicted, or ever been in a prison or almshouse, have you ever been the beneficiary of a pardon or an amnesty; have you ever been treated in an institution or hospital or other place for insanity or other mental disease.

Defendant Odeh falsely checked the box marked "No."

12. At the time she applied for her immigrant visa, Defendant Odeh was inadmissible to the United States, meaning that by law she was not eligible to receive a visa. Defendant Odeh was inadmissible to the United States because she had "engaged in a terrorist activity" as that term is defined by Title 8, United States Code, Section 1182(a)(3)(B), also known as Section 212(a)(3)(B) of the Immigration and Naturalization Act, or INA.

13. At the time she applied for her immigrant visa, Defendant Odeh also was inadmissible to the United States because of her criminal history, and also because she

had knowingly given false material answers to the questions referred to in paragraphs 10-12 of this Indictment.

14. Notwithstanding Defendant Odeh's inadmissibility to the United States, on April 18, 1995, she received her immigrant visa. Because by law she was inadmissible, however, Defendant Odeh never was "lawfully admitted for permanent residence" and was ineligible to later receive United States citizenship.

DEFENDANT ODEH'S APPLICATION FOR
UNITED STATES CITIZENSHIP

15. On or about June 2, 2004, Defendant Odeh completed and signed a naturalization application to become a United States citizen (Form N-400). Above her signature, the following certification appeared:

I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct.

16. On or about June 4, 2004, Defendant Odeh filed her naturalization application (Form N-400) with United States Citizenship and Immigration Services, the U.S. government agency which makes naturalization determinations.

17. Under United States law, there are a number of requirements that a person seeking to become a naturalized United States citizen must establish to be eligible. One of those requirements is that an applicant must demonstrate that he or she has been

lawfully admitted as a permanent resident of the United States. Thus, an applicant who acquired permanent resident status through fraud or misrepresentation, or who was otherwise not lawfully entitled to such status when it was accorded, never has been “lawfully admitted for permanent residence,” and is prohibited by law from becoming a United States citizen.

18. In order to provide United States Citizenship and Immigration Services with information needed to make a determination of, among other things, whether the individual was lawfully admitted as a permanent resident alien, the application for naturalization, Form N-400, contains Part 10, section B, entitled “Affiliations.” Each question relating to affiliations is material to the decision of whether or not any applicant, including Defendant Odeh, would be eligible for United States citizenship, that is, each answer had a natural tendency to influence the decision of United States Citizenship and Immigration Services as to whether or not to grant citizenship.

19. Question 8a of Part 10, Section B, of the naturalization application asked the following:

Have you **EVER** been a member of or associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place?*

Defendant Odeh falsely checked the box marked “No.”

20. Question 8b of Part 10, Section B, of the naturalization application stated:

If you answered "Yes," list the name of each group below [on the Table]. If you need more space, attach the names of the other group(s) on a separate sheet of paper.

Because a truthful answer by Defendant Odeh to question 8a would have been "Yes," she was required to but did not complete the table.

21. Question 9 of Part 10, Section B, of the naturalization application asked the following:

Have you **EVER** been a member of or in any way associated (*either directly or indirectly*) with:

c. A terrorist organization? *

Defendant Odeh falsely checked the box marked "No" to question 9c.

22. Under United States law, in order to be eligible for naturalization, an otherwise qualified applicant must establish that he or she "has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States."

*The question is quoted exactly as it appears on the naturalization form, with the word "**EVER**" in capital letters and in bold.

23. By law, various acts must be considered by United States Citizenship and Immigration Services in determining whether a person has good moral character. For example, relevant factors include whether the person has given “false testimony for the purpose of obtaining any benefits” under the Immigration and Naturalization Act; and a person’s criminal history, including whether the person has ever been convicted of an offense or imprisoned.

24. Each question on the naturalization application relating to good moral character is material to the decision of whether or not any applicant, including Defendant Odeh, would be eligible for United States citizenship, that is, each answer had a natural tendency to influence the decision of United States Citizenship and Immigration Services as to whether or not to grant citizenship.

25. Question 16, Part 10, Section D, of the naturalization application asked the following:

Have you **EVER** been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason?*

Defendant Odeh falsely checked the box marked “No.”

*The question is quoted exactly as it appears on the naturalization form, with the word “**EVER**” in capital letters and in bold.

26. Question 17, Part 10, Section D, of the naturalization application asked the following:

Have you **EVER** been charged with committing any crime or offense?*

Defendant Odeh falsely checked the box marked "No."

27. Question 18, Section 10, Part D of the naturalization application asked the following:

Have you **EVER** been convicted of a crime or offense?*

Defendant Odeh falsely checked the box marked "No."

28. Question 21, Section 10, Part D of the naturalization application asked the following:

Have you **EVER** been in jail or prison?*

Defendant Odeh falsely checked the box marked "No."

*The question is quoted exactly as it appears on the naturalization form, with the word "**EVER**" in capital letters and in bold.

29. At the conclusion of questions 34–37, Part 10, Section D, the application stated:

If you answered “Yes” to any of questions 15 through 21, complete the following table. If you need more space, use a separate sheet of paper to give the same information.

Because a truthful answer by Defendant Odeh to each of questions 16, 17, 18 and 21 would have been “Yes,” she was required to but did not complete the table. The table required Defendant Odeh to provide the city, state and country where she was cited, arrested, charged, convicted or detained.

30. Part 10, section D, questions 23 and 24, asked further questions relating to Good Moral Character. Question 23 asked the following:

Have you **EVER** given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?*

Defendant Odeh falsely checked the box marked “No.”

*The question is quoted exactly as it appears on the naturalization form, with the word “**EVER**” in capital letters and in bold.

31. Question 24 asked the following:

Have you **EVER** lied to any U.S. immigration official to gain entry or admission into the United States?*

Defendant Odeh falsely checked the box marked "No."

32. On or about November 3, 2004, an immigration officer interviewed Defendant Odeh in Detroit, Michigan, regarding her naturalization application. During that interview, the immigration officer reviewed with Defendant Odeh the answers she had provided on her naturalization application (Form N-400). Defendant Odeh made seventeen corrections to her application. None of those corrections involved the questions referenced in paragraphs 3-7, 19-21, 25-29, or 30-31 of the General Allegations of this Indictment. Rather, while under oath, Defendant Odeh reaffirmed, through false testimony, the lies stated in those paragraphs.

*The question is quoted exactly as it appears on the naturalization form, with the word "**EVER**" in capital letters and in bold.

33. On or about November 3, 2004, at the conclusion of her naturalization interview, Defendant Odeh again signed her naturalization application, falsely stating “I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this application for naturalization subscribed by me, including corrections numbered 1 through 17 and the evidence submitted by me numbered pages 1 through ___ - ___, are true and correct to the best of my knowledge and belief.”

34. On or about November 16, 2004, immigration officials approved Defendant Odeh’s naturalization application. On or about December 9, 2004, Defendant Odeh was sworn in as a United States citizen in an oath ceremony conducted by the United States District Court, Eastern District of Michigan.

COUNT ONE

(Unlawful Procurement of Naturalization – 18 U.S.C. § 1425(a))

D-1 RASMIEH YOUSEF Odeh

1. The general allegations set forth above are hereby incorporated by reference as if fully set forth herein.

2. On or about December 9, 2004, in the Eastern District of Michigan, the defendant, Rasmieh Yousef Odeh, also known as “Rasmieh J. Odeh,” also known as “Rasmieh Joseph Steve,” also known as “Rasmieh Youssuf Odeh,” also known as “Rasmieh Yusef Odeh,” also known as “Rasmea Odeh,” knowingly procured her naturalization as a United States citizen contrary to law. Defendant Odeh’s naturalization was “contrary to law” in a number of different ways, as set forth in this paragraph:

A. Defendant Odeh violated the Immigration and Naturalization Act’s requirements for naturalization, and thus was not eligible for naturalization, because she never had properly obtained Lawful Permanent Resident status, and thus was barred by law from naturalizing as a citizen. Defendant Odeh was inadmissible to the United States because she had given knowingly false material answers on the Application for Immigrant Visa and thus had obtained her Lawful Permanent Resident Status by fraud.

B. Defendant Odeh violated the Immigration and Naturalization Act's requirements for naturalization, and thus was not eligible for naturalization, because she never had properly obtained Lawful Permanent Resident status, and thus was barred by law from naturalizing as a citizen. Defendant Odeh was inadmissible to the United States for having "engaged in a terrorist activity" as that term is defined in the Immigration and Naturalization Act.

C. Defendant Odeh violated the Immigration and Naturalization Act's requirements for naturalization, and thus was not eligible for naturalization, because she never had properly obtained Lawful Permanent Resident status, and thus was barred by law from naturalizing as a citizen. Defendant Odeh was ineligible for an immigrant visa because (1) she had been convicted of one or more crimes of moral turpitude; and (2) she had been convicted of two or more offenses for which the aggregate sentences were five years or more.

D. Defendant Odeh committed criminal offenses against the United States pertaining to naturalization, by making false material statements both orally and in writing in connection with her application for naturalization (Form N-400), in violation of criminal statutes pertaining to naturalization including Title 18, United States Code Sections 1001 and 1015. Defendant Odeh's false material statements related to (1) her association with the Popular Front for the Liberation of Palestine

(PFLP), a Designated Terrorist Organization, as set forth in paragraphs 3-7 and 19-21 of the General Allegations of this Indictment; (2) her criminal history, including her history of imprisonment, as set forth in paragraphs 4-5 and 24-29 of the General Allegations of this Indictment; and (3) her history of having made false statements in the past to one or more U.S. government officials relating to her immigration to the United States, as set forth in paragraphs 30-31 of the General Allegations of this Indictment.

E. Defendant Odeh violated the Immigration and Naturalization Act's requirements for naturalization, and thus was not eligible for naturalization, as she lacked good moral character as that term is defined in the Immigration and Naturalization Act.

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

THIS IS A TRUE BILL.

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

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Dated: December 13, 2016

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number 13-20772
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Reassignment/Recusal Information This matter was opened in the USAO prior to August 15, 2008 []

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: <i>MCM</i>

Case Title: USA v. RASMIEH YOUSEF ODEH

County where offense occurred : Wayne

Check One: Felony Misdemeanor

Indictment/ Information --- no prior complaint.
 Indictment/ Information --- based upon prior complaint [Case number:
 Indictment/ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

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Superseding Case Information

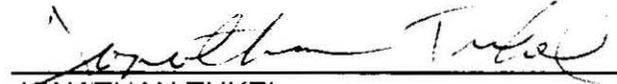
Superseding to Case No: 13-20772 Judge: Gershwin A. Drain

- Original case was terminated; no additional charges or defendants.
- Corrects errors; no additional charges or defendants.
- Involves, for plea purposes, different charges or adds counts.
- Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
RASMIEH YOUSEF ODEH	18 U.S.C. § 1425(a)	

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

December 13, 2016
Date


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¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.