

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

2013 JUL 25 PM 3:03

UNITED STATES OF AMERICA

v.

EDIN SAKOČ,

Defendant.

) **NO. 2:13-CR-106** BY _____
)
) **18 U.S.C. § 1425(a) and (b)**
) **(Unlawful Procurement of Naturalization)**
)
) **8 U.S.C. § 1451(e)**
) **(Revocation of Naturalization)**
)

CLERK
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INDICTMENT

The Grand Jury charges that:

Introduction

1. In late March 1992, the republic of Bosnia and Herzegovina ("Bosnia") declared independence from the Socialist Federal Republic of Yugoslavia. Bosnia was then and remains primarily comprised of three religious and ethnic groups: Bosnian Croats, who are primarily Roman Catholic; Bosnian Serbs, who are primarily Orthodox Christian; and Bosnian Muslims, also referred to as Bosniaks.

2. In or about April 1992, an armed conflict broke out in Bosnia. At times during the conflict, Bosnian Croat and Muslim soldiers fought together against Bosnian Serb soldiers.

3. During the conflict, civilians living in areas which came under the control of opposing ethnic and religious group(s) were sometimes persecuted based on their ethnic and religious background.

4. In 1992, Bosnian Croat and Muslim forces expelled, killed or imprisoned Bosnian Serb civilians living in the Capljina municipality.

5. Prison camps were established near Capljina where Bosnian Serbs were detained, tortured and/or killed. Such camps included Dretelj and Gabela.

6. The Defendant, EDIN SAKOČ, is a Bosnian Muslim from the Capljina municipality who participated in the armed conflict in Bosnia. EDIN SAKOČ further participated in the persecution of Bosnian Serbs as set forth below in paragraphs 9 -13.

Victim-1, Victim-2 and Victim-3

7. In or around July 1992, Victim-1, Victim-2 and Victim-3 were members of a Bosnian Serb family living in a village located in the Capljina municipality. Although most Bosnian Serbs living in the village had fled to safer areas, Victim-1 remained to care for Victim- 2 and Victim-3, both of whom were too old to travel far.

8. Victim-1, Victim-2 and Victim-3 moved from their own home to live in the home of a nearby Bosnian Croat family after the Victims' home was damaged by military fire.

9. On or about July 9, 1992, EDIN SAKOČ and Co-Conspirator -1 ("CC-1"), a Croatian, came to the Bosnian Croat family's home and removed Victim-1 against Victim-1's will.

10. Thereafter, EDIN SAKOČ assaulted and raped Victim-1. EDIN SAKOČ then brought Victim-1 to the Dretelj prison camp.

11. Later that same night/early the next morning, EDIN SAKOČ and CC-1 returned to the Bosnian Croat home. Once inside the home, CC-1, aided and abetted by EDIN SAKOČ, shot and killed Victim-2 and Victim-3.

12. CC-1, aided and abetted by EDIN SAKOČ, further burned down the former home of Victim-1, Victim-2 and Victim-3.

13. EDIN SAKOČ and CC-1 then took Victim-2 and Victim-3 out of the Bosnian Croat home and burned their bodies.

Refugee Status Granted

14. In or about March 2001, EDIN SAKOČ sought refugee status to come to the United States. In order to receive refugee status, EDIN SAKOČ was required to complete a refugee application Form I-590, which asked a number of questions related to his past, including his prior military service. EDIN SAKOČ was also required to meet with a United States Immigration Officer. When questioned by the Immigration Officer, EDIN SAKOČ denied committing any acts of persecution while in the military.

15. EDIN SAKOČ was further notified by the Immigration Officer about certain categories of refugee applicants who were not allowed entry into the United States, including applicants who had committed crimes of moral turpitude. EDIN SAKOČ signed Form G-646 affirming that none of the categories applied to him.

16. EDIN SAKOČ was required to and did affirm under penalty of perjury that the information provided in his forms and to the Immigration Officer was true and correct.

17. In or about March 2001, EDIN SAKOČ was granted authorization to enter the United States as a refugee.

18. EDIN SAKOČ entered the United States in or about May 2001 and settled in Vermont.

Legal Permanent Residence Status Granted

19. In or about March 2004, EDIN SAKOČ became a legal permanent resident (LPR) of the United States. In order to become an LPR, EDIN SAKOČ was required to complete an LPR application, Form I-485, which asked a number of questions related to his past, including questions related to the commission of past crimes. EDIN SAKOČ denied committing any crimes.

20. EDIN SAKOČ was required to and did affirm under penalty of perjury that the information provided in his application was true and correct.

Naturalization Granted

21. In or about February 2007, in the District of Vermont, EDIN SAKOČ applied to become a naturalized citizen of the United States. In support of this application, EDIN SAKOČ was required to complete a naturalization application, Form N-400, which asked a number of questions related to his past, including questions related to past crimes he may have committed and whether he persecuted anyone. EDIN SAKOČ denied committing any crimes or persecuting anyone.

22. EDIN SAKOČ was required to and did affirm under penalty of perjury that the information provided was true and correct.

23. In or about June 2007, in the District of Vermont, a United States Immigration Officer placed EDIN SAKOČ under oath and interviewed him regarding the questions and answers contained on his naturalization application, Form N-400. EDIN SAKOČ denied committing any crimes.

24. In or about September 2007, in the District of Vermont, EDIN SAKOČ became a naturalized citizen of the United States.

COUNT 1

25. Paragraphs 1 through 24 of this Indictment are hereby realleged and incorporated as if fully set forth herein.

26. From in or about February 2007 through in or about September 2007, in the District of Vermont, EDIN SAKOČ knowingly procured his own naturalization contrary to law, that is, in violation of Title 18, United States Code, Sections 1001(a) (Making False Statements) and

1015(a) (Making False Statements Related to Naturalization or Citizenship) by knowingly providing false and fraudulent information as to material facts in his Application for Naturalization, Form N-400, and verified the same false and fraudulent information during his interview with a United States Immigration Officer. Specifically:

- a. On Form N-400 Part 10D, question 15, and in his subsequent interview under oath, EDIN SAKOČ falsely stated that he had never “committed any crime” for which he had not been arrested;
- b. On Form N-400 Part 10B, question 11, and in his subsequent interview under oath, EDIN SAKOČ falsely stated 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”;
- c. On Form N-400 Part 10D, question 23, and in his subsequent interview under oath, EDIN SAKOČ falsely stated that he had never “given false or misleading information to any U.S. government official while applying for any immigration benefit”; and
- d. On Form N-400 Part 10D, question 24, and in his subsequent interview under oath, EDIN SAKOČ falsely stated that he had never “lied to any U.S. government official to gain entry or admission into the United States.”

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

COUNT 2

27. Paragraphs 1 through 24 and 26 (a) through (d) of this Indictment are hereby realleged and incorporated as if fully set forth herein.

28. From in or about February 2007 through in or about September 2007, in the District of Vermont, EDIN SAKOČ knowingly procured, obtained, and applied for his own naturalization to which he was not entitled, in that

- a. EDIN SAKOČ provided false and fraudulent information as to material facts in his Application for Naturalization, Form N-400, and verified the same false and fraudulent information during his interview with a United States Immigration Officer;
- b. EDIN SAKOČ was not a person of “good moral character,” as he (1) participated in multiple acts of violence in Bosnia; and (2) provided false and fraudulent information as to material facts to obtain immigration benefits; and
- c. EDIN SAKOČ was not lawfully admitted to the United States for permanent residence as he (1) was an inadmissible alien who committed crimes of moral turpitude in Bosnia; (2) provided false and fraudulent information as to material facts to enter the United States as a refugee; and (3) provided false and fraudulent information as to material facts to obtain LPR status.

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

REVOCAION OF NATURALIZATION

29. Upon conviction under either Count One or Count Two above, EDIN SAKOČ's naturalization shall, by Court order, be revoked, set aside, and declared void, and EDIN SAKOČ's certificate of naturalization shall, by the same order, be canceled.

Pursuant to Title 8, United States Code, Section 1451(e).

A TRUE BILL



Tristram J. Coffin

TRISTRAM J. COFFIN
United States Attorney
Burlington, Vermont
July 24, 2013