

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

ABRAHAM TEKLU LEMMA,

Defendant

) **UNDER SEAL**

) **Case: 1:23-mj-00227**

) **Assigned To : Harvey, G. Michael**

) **Assign. Date : 8/23/2023**

) **Description: Complaint W/ Arrest Warrant**

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Special Agent of the Federal Bureau of Investigation (“FBI”) being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am an investigative or law enforcement officer of the United States, within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations of, and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

2. I am a Special Agent with the FBI assigned to the Washington Field Office. During my time with the FBI, I have received training at the FBI Academy located at Quantico, Virginia, specific to counterintelligence and espionage investigations. Since 2021, I have been assigned to a counterintelligence squad at the Washington Field Office where my primary duties include the investigation of espionage and other national security matters, including violations of Title 18, United States Code, Sections 794 and 793. I currently am assigned to investigate counterintelligence and espionage matters.

3. I have training in the preparation, presentation, and service of criminal complaints, and have been involved in the investigation of numerous types of offenses against the United

States. I have also been trained in the preparation, presentation, and service of arrest and search warrants, and have executed both arrest warrants and search warrants in previous cases.

PURPOSE OF AFFIDAVIT

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that Abraham Teklu Lemma (“Lemma”) violated 18 U.S.C. § 794(a) (gathering or delivering defense information to aid a foreign government); 18 U.S.C. § 794(c) (conspiracy to gather or deliver defense information to aid a foreign government); and 18 U.S.C. § 793(e) (having unauthorized possession of National Defense Information (“NDI”). I therefore make this affidavit in support of a criminal complaint charging Lemma with these offenses.

5. These acts occurred in the District of Columbia and elsewhere, involved the transportation of classified NDI from and through the District of Columbia to another state or country, and involved electronic communications from or through the District of Columbia and another state or country in furtherance of the conspiracy, and are thus within the venue of the United States District Court for the District of Columbia, pursuant to 18 U.S.C. § 3237. Additionally, as classified NDI was transmitted to another country, which is outside the jurisdiction of any State or district, venue is proper in this District pursuant to 18 U.S.C. § 3239.

6. The facts in this affidavit come from your affiant’s personal observations, training and experience, and information obtained from other U.S. Government officers and witnesses. This affidavit is intended merely to show there is sufficient probable cause for Lemma’s arrest and does not set forth all your affiant’s knowledge about this matter.

STATUTORY AUTHORITY AND DEFINITIONS

7. For the reasons set forth below, there is probable cause to believe that Lemma committed violations of 18 U.S.C. §§ 794 (a), and (c), and 793(e).

8. Under 18 U.S.C. § 794(a), “[w]henever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers or transmits, or attempts to communicate, deliver or transmit, to any foreign government . . . or to any representative, officer, agent, employee, subject, or citizen thereof . . . any document, writing, . . . or information relating to the national defense” shall be imprisoned “for any term of years or for life[.]”

9. Under 18 U.S.C. § 794(c), “[i]f two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offenses which is the object of such conspiracy.”

10. Under 18 U.S.C. § 793(e), “[w]henever having unauthorized possession of, access to, or control over any document . . . or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, . . . willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it” shall be fined or imprisoned not more than ten years, or both.

11. Under Executive Order 13526, the unauthorized disclosure of material classified at the “TOP SECRET” level (“TS”), by definition, “reasonably could be expected to cause exceptionally grave damage to the national security” of the United States. Exec Order 13526 § 1.2(a)(1), 75 Fed Reg. 707, 707-08 (Jan. 5, 2010). The unauthorized disclosure of information classified at the “SECRET” level (“S”), by definition, “reasonably could be expected to cause

serious damage to the national security” of the United States. Exec. Order 13526 § 1.2(a)(2). The unauthorized disclosure of information classified at the “CONFIDENTIAL” level (“C”), by definition, “reasonably could be expected to cause damage to the national security” of the United States. Exec. Order 13526 1.2(a)(3).

12. Sensitive Compartmented Information (“SCI”) is classified information related to intelligence sources, methods, and analytical processes. SCI is to be processed, stored, used, or discussed in an accredited Secured Compartmented information Facility (“SCIF”), and only individuals with the appropriate security clearance and additional SCI permissions are authorized to access such classified national security information. For a foreign government to receive access to classified information, the originating United States agency must determine that such release is appropriate.

13. Pursuant to Executive Order 13526, information classified at any level shall be lawfully accessed only by persons determined by an appropriate United States government official to be eligible for access to classified information, who has signed an approved non-disclosure agreement, who has received a security clearance, and who has a “need to know” the classified information. Classified information shall only be stored or discussed in an approved facility.

PROBABLE CAUSE

14. As described more fully below, there is probable cause to believe that Lemma did, improperly and unlawfully, search for, access, secrete, remove, possess, obtain, and retain classified NDI, and conspired to and did transmit classified NDI to a representative, officer, agent, employee, subject, or citizen of a foreign nation, intending or believing that such information would be used to the injury of the United States and to the advantage of a foreign nation.

Lemma's U.S. Government Security Clearances and U.S. Government Employment

15. Lemma is a naturalized citizen of the United States who was previously a citizen of an African country (the "Relevant Country"). Lemma currently resides in Maryland. Lemma is a U.S. Government contractor who has worked with various U.S. Government agencies since at least July 2019. Lemma indicated in his resume that he was employed by a bank in Maryland prior to his employment as a U.S. Government contractor.

16. Lemma was previously employed by another U.S. Government agency ("U.S. Agency 1") starting in November 2020 and ending in December 2021.

17. Lemma has been working as a Help Desk Technician assigned to the Bureau of Intelligence and Research with the U.S. Department of State ("DOS") since at least 2021. Lemma works at a State Department facility in Washington, D.C., as an Information Technology ("IT") administrator, and has access to DOS classified systems. In that capacity, Lemma has "downdraft" authority, meaning he is authorized to move classified material between classified systems, and is authorized to move unclassified information from a classified to an unclassified system. Lemma is permitted to access non-DOS classified systems and portals, but only if required as part of his work-related duties. To access non-DOS classified systems or portals, Lemma is required to have a specific IT service request for those systems from a DOS employee. Absent a work-related request to access those systems, Lemma is not authorized to access non-DOS classified systems or portals. Lemma's workspace at DOS is located in a SCIF.

18. In addition to DOS, where he works evening hours, Lemma is also currently employed as a contract management analyst at the U.S. Department of Justice ("DOJ") during the day. He has been employed by his current DOJ component since in or around May 2022, and has access to classified information.

19. Lemma has had a TOP SECRET security clearance since at least 2020, and obtained SCI access in July 2021. As part of that clearance, Lemma was given instruction on the proper handling of classified information, including the proper storage of classified information. As part of his employment at both DOS and DOJ, Lemma has also been required to take regular, annual training that includes refresher training on the proper marking and handling of classified information.

20. Because Lemma held a security clearance and was assigned to various government agencies, both as an employee and as a private contractor, the U.S. Government entrusted Lemma with access to sensitive government materials, including classified NDI if he possessed a need to know the classified NDI to perform his work functions.

**Lemma Viewed Classified Information Outside the Scope of His Employment and
Removed Classified Materials from the SCIF**

21. On numerous occasions since at least July 2022, while having authorized access to the classified DOS computer system, Lemma has navigated and searched several non-DOS classified portals through the classified DOS computer system without authorization and accessed non-DOS intelligence reports (“Intelligence Reports”).

22. Between on or about December 19, 2022, and August 7, 2023, Lemma copied and pasted information from at least 85 Intelligence Reports regarding many topics—the majority of which relate to the Relevant Country. Lemma accessed these Intelligence Reports without a need-to-know the classified information contained therein. During the same period, Lemma accessed at least an additional 48 Intelligence Reports without a need-to-know. According to DOS records, Lemma has, on multiple occasions, also printed and downloaded SECRET and TOP SECRET classified information from the Intelligence Reports using the DOS system. The printed and

downloaded material related primarily to the Relevant Country. Lemma had no need-to-know this information and was not authorized to print or download it.

23. On or about February 9, 2022, Lemma traveled to the Relevant Country, where Lemma has family ties, and returned to work at DOS and DOJ in the United States in or around July 2022. Review of Lemma's activity by DOS has confirmed that since his return in July 2022, Lemma has downloaded over 100 documents containing classified information from the DOS classified system to CDs and/or DVDs. This activity was unauthorized and outside the scope of Lemma's job duties.

24. On or about April 12, 2023, Lemma again traveled to the Relevant Country, and returned to DOS in June 2023.

25. Since at least June 2023, DOS has confirmed that Lemma copied and pasted classified information from Intelligence Reports from non-DOS classified portals into Microsoft Word ("Word") documents on the classified DOS computer system without authorization or a need-to-know the information. DOS's review of Lemma's activity showed that Lemma deleted classification markings from the portions of the Intelligence Reports he copied into Word documents. DOS records further show Lemma then downloaded those Word files from the DOS classified system onto CDs and/or DVDs, which could then be taken out of the SCIF. The material from Intelligence Reports that Lemma was reviewing and copying was classified at the TOP SECRET and SECRET levels, and also related primarily to the Relevant Country.

26. More recently, between July 10, and August 18, 2023, Lemma copied classified information from numerous Intelligence Reports onto CDs or DVDs from the DOS classified system on at least three occasions. DOS records indicate Lemma completed approximately 10 downloads on August 18, 2023, most of which were classified at the TOP SECRET or SECRET level.

27. On or about August 2, 2023, Lemma was observed using the DOS classified computer system, and accessing non-DOS classified portals outside of his authorized access. Lemma was observed accessing TOP SECRET Intelligence Reports about the same region of the world where the Relevant Country is located, without any request submitted to him at the IT help desk or a need-to-know the specific classified information. As Lemma was reviewing the classified material, he was observed writing on a sheet of paper in a manner that indicated to your affiant that he was taking notes about the classified information. Lemma was then observed taking the piece of paper and folding it multiple times before placing it in his right pants pocket. Lemma was then observed leaving DOS and proceeding to his vehicle. At approximately 10:35 p.m., after leaving his workplace and while parked in a parking garage near his residence, Lemma remained in his vehicle for over twenty minutes with the interior vehicle lights on.

28. On or about August 7, 2023, Lemma was again observed at work using the DOS classified computer system and accessing non-DOS classified portals to review classified Intelligence Reports outside of his authorized access. Lemma copied portions of TOP SECRET Intelligence Reports that he accessed within those portals, pasted them into one or more Word documents, removed the classified portion markings from the pasted text in the Word documents, and then burned the Word documents containing the classified information to a CD/DVD that appeared to have a green label. Your affiant is aware that DOS maintains CD/DVDs with green labels for its employees, which are plainly marked "Unclassified," and which are for use to store and maintain unclassified material only. The material copied by Lemma included material classified at the TOP SECRET level. Lemma was observed placing the disk with the green label inside his jacket pocket before leaving the classified area and exiting the building. At approximately 8:35 p.m., Lemma left work before the end of his shift, entered his vehicle while still wearing the jacket, remained stationary for several minutes, and then moved his vehicle to his

workplace garage. Lemma then traveled into Maryland and was observed walking into his residence.

29. On or about August 15, 2023, Lemma was again observed at work using the DOS classified computer system and accessing non-DOS classified portals to review Intelligence Reports outside of his authorized access. The material reviewed by Lemma included material classified at the TOP SECRET level. Lemma was observed taking a sheet of paper and writing notes on the paper for approximately 15 minutes while viewing the classified portal. Lemma then folded the paper and placed it in his right front pocket. He then left the SCIF and proceeded to his vehicle. Lemma then traveled into Maryland and was observed walking into his residence.

30. On or about August 18, 2023, Lemma was again observed at work using the DOS classified computer system and accessing non-DOS classified portals outside of his authorized access. Lemma copied portions of Intelligence Reports accessed on those non-DOS portals, pasted them into one or more Word documents, removed the classified portion markings from the pasted text in the Word documents, and then burned the Word documents containing the classified information to a CD/DVD with a green label. The material copied by Lemma included classified material marked at the TOP SECRET level. Lemma was observed placing the disk with the green label into his pocket before leaving the DOS building. Lemma then traveled into Maryland and was observed walking into his residence.

31. DOS has confirmed that the above activities were not authorized as part of Lemma's IT administrator duties and that Lemma did not have authority to remove classified information from DOS. DOS has also confirmed Lemma did not receive specific IT requests to transfer classified material to Word, remove the classification markings, or download the information onto CDs and/or DVDs.

Lemma Has Conspired with an Agent of a Foreign Government to Transmit NDI

32. In or around August and September 2022, Lemma transmitted classified NDI, including documents, photographs, notes, maps, and information relating to the Relevant Country and neighboring countries over an encrypted messaging application (“Encrypted Messaging Application A”) to a particular account (“Account 1”) on multiple occasions, including on the following two dates. First, in or around August 2022, Lemma transmitted satellite imagery from the region of the Relevant Country. This information was classified at the TOP SECRET level. Second, in or around September 2022, Lemma transmitted information related to a third-party country’s activities in the region of the Relevant Country. This information was classified at the SECRET level.

33. Your affiant believes that Account 1, to which Lemma transmitted classified NDI, is used by or on behalf of an official of an intelligence service of the Relevant Country (“Foreign Official”) based upon information gathered through the course of this investigation, including the following:

- a. In May 2022, the Foreign Official applied for a visa to visit the United States; that application listed the Foreign Official’s phone number (“Telephone Number 1”) and the Foreign Official’s official, government affiliation with the Relevant Country.
- b. According to open-source research, Telephone Number 1 is linked to a profile on Encrypted Messaging Application A; the profile associated with Telephone Number one includes a profile image of knot.
- c. In September 2022, Account 1 had the same profile image of a knot; additionally, the Foreign Official’s first name, which matches the name on his visa application, is the name of the user of Account 1 as displayed in communications with Lemma.

- d. In or around August 2022, the profile picture associated with Account 1, which was displayed during communications with Lemma, was a headshot of an individual that resembles the Foreign Official's appearance in his visa application photo and other open-source photographs identifying the Foreign Official. This includes photos from the Relevant Country's official government website for its intelligence service, which also identifies the Foreign Official by name and official government title.¹

34. Lemma's communications with the Foreign Official over Encrypted Messaging Application A included a discussion of military activities of a rebel group involved in an armed struggle against the government of the Relevant Country. In one communication, Lemma sent an image relating to events in the Relevant Country and advised the Foreign Official, "[y]our team analyze this and establish some sort of sense to this." In another exchange, the Foreign Official told Lemma, "[w]e making [sic] significant progress on averting the ... in few days we will achieve the critical milestones ... not to happen again. Therefore, it's not a long time we are asking. Good if you can check and [sic] back to me what u can do." (ellipses in original). Similarly, the Foreign Official advised Lemma, "[i]t is great to identify the forward deployed command centers and logistic centers," in response to Lemma discussing locations in the Relevant Country.

35. In other chats, the Foreign Official provided specific subjects where he would like information from Lemma (*e.g.* logistic centers). Lemma responded, "[a]bsolutely, I have been focusing on that all this week" In other chats with the Foreign Official, Lemma sent photos of a "military compound." In or around September 2022, the Foreign Official stated, "[i]t's time to continue ur support." Lemma responded, "Roger that!" In another chat, the Foreign Official

¹ Accordingly, consistent with this paragraph, I hereinafter refer to the user of Account 1 as the Foreign Official.

praised Lemma's efforts, stating "[a]lways this beautiful country have [sic] some special people who scarify [sic] their life to protect our proud history. You always remembered. It doesn't matter the results."

36. An authorized search of Lemma's electronic accounts ("Electronic Accounts") confirmed Lemma possessed and retained digital photographic copies, notes, maps, and information of the above-referenced classified NDI that he transmitted to the Foreign Official. The Electronic Accounts were not government accounts or on a secure network authorized to store classified NDI.

37. Additionally, between April 13, and June 21, 2023, Lemma's Electronic Accounts were accessed from the Relevant Country's IP address 31 times, including when Lemma was no longer present in the Relevant Country. As discussed above, Lemma traveled to the Relevant Country in April through June 2023, and returned to the United States before June 16, 2023. The investigation has revealed that on June 16, 20, and 21, 2023, Lemma badged into DOS to work on those dates. Lemma then copied and burned a CD and/or DVD containing information from Intelligence Reports using the DOS classified system without proper authorization. Records provided by the Provider of the Electronic Accounts confirmed that the Electronic Accounts were accessed from the Relevant Country on June 16, 2023 (while Lemma was in the United States).

38. Your affiant understands this activity is consistent with the account holder providing another person in a foreign country with access to the account. Your affiant is also aware of advanced Operations Security ("OPSEC"), where persons will surreptitiously communicate with one another through shared access to an account with one user being in one location and the other in a different location.

39. Furthermore, messages sent while Lemma was in the Relevant Country establish Lemma was aware that the Foreign Official was located in the Relevant Country. Specifically, on

April 17, 2023, Lemma messaged the Foreign Official, “I hope we’re using current [Country A] situations for our advantage” and that “I would like to talk.” Country A is a country that shares a border with the Relevant Country. Two days later, the Foreign Official messaged Lemma with the name of a hotel located in the capital of the Relevant Country and the time “5pm.” Lemma responded, “Okay!”

Lemma Has Deposited Sums of Money in Several U.S. Banks that Coincide with His Obtaining, Retaining, and Transmitting Classified Information

40. On or about July 15, 2023, Lemma entered a branch office of a U.S. bank in Maryland (“Bank 1”) and attempted to deposit over \$11,700. Lemma was observed angrily discouraging an employee of Bank 1 from filing a Currency Transaction Report (“CTR”) with the U.S. Department of Treasury.² Specifically, Lemma tried to convince the employee that his transaction was not subject to reporting despite deposits in excess of \$10,000. According to records obtained during the investigation, Lemma deposited \$11,773.84 in cash into his account at Bank 1 on that date.³ Subsequently, on or about July 24, 2023, Bank 1 issued a CTR for this transaction. Lemma downloaded classified reports from DOS close in time to this July 15, 2023 deposit—specifically, Lemma copied at least 16 reports July 11-14, 2023.

41. Lemma’s cash deposits are also correlated to travel to the Relevant Country. On or about February 6, 2022, Lemma printed a classified document and then travelled to the Relevant

² U.S. Department of Treasury Regulations require the issuance of a CTR with the U.S. Department of Treasury memorializing any cash transaction of more than \$10,000. *See* 31 C.F.R. §1010.306 and 110.310 (requiring financial institution to file a CTR for cash transactions over \$10,000 to be made within 15 days).

³ Additional records from Bank 1 have been requested to confirm how much of this amount was initially obtained from the cashing of checks before the full deposit, and how much was additional cash.

Country three days later, on or about February 9, 2022. Lemma returned from his trip on or about April 30, 2022, and deposited \$4,300 in cash that same day.

42. Review of Lemma's U.S. Bank 1 account records further revealed that Lemma made several large deposits, totaling in excess of \$55,000, into U.S. Bank 1 between January 1, 2022 until July 17, 2023. These deposits include: a deposit of \$10,000 on or about December 7, 2022, in Silver Spring, Maryland; a deposit of \$9,680.22 on or about August 17, 2022, on K Street, N.W. in the District of Columbia; a deposit of \$1,936.06 on or about August 18, 2022, in Metro Center in the District of Columbia; and a cash deposit of \$11,373.63 on or about February 23, 2023, in Silver Spring, Maryland.⁴ Additional investigation revealed that on or about December 7, 2022, Lemma entered a branch office of a U.S. bank in Maryland ("Bank 2") and opened two joint accounts with another individual, providing \$2,000 in cash as an opening deposit.

43. Lemma's efforts to dissuade reporting by a bank employee and his previous employment with a bank demonstrate Lemma was familiar with banking notification requirements, such as CTRs. Lemma intentionally structured his transactions to avoid such reporting requirements. Specifically, Lemma's deposits on August 17, 2022, and August 18, 2022, which in total exceeded over \$11,000, were split across the two days. Lemma's deposits on December 7, 2022, which in total exceeded over \$12,000, were similarly split across two banks.

CHARGES

Conspiring to and Delivering Defense Information To Aid Foreign Government in Violation of 18 U.S.C. §§ 794(a) and (c)

44. With the intent to and reason to believe it would be used to the injury of the United States or to the Advantage of the Relevant Country, Lemma obtained documents, photographs,

⁴ A number of these cash deposits appear to involve Lemma cashing a check and depositing it along with additional cash.

notes, maps, and information related to the national defense, and willfully communicated, delivered, and transmitted that NDI to a representative, officer, agent, employee, subject, or citizen of the Relevant Country, in violation of 18 U.S.C. § 794(a).

45. With the intent to and reason to believe it would be used to the injury of the United States or to the advantage of the Relevant Country, Lemma conspired with a representative, officer, agent, employee, subject, or citizen of the Relevant Country, to obtain and willfully communicate, deliver and transmit, documents, photographs, notes, maps, and information related to the national defense, in violation of 18 U.S.C. § 794(c).

Having Unauthorized Possession of NDI in Violation of 18 U.S.C. § 793(e)

46. With reason to believe it could be used to the injury of the United States or to the advantage of the Relevant country, Lemma willfully retained and failed to deliver the NDI to an officer or employee of the United States entitled to receive it, in violation of 18 U.S.C. § 793(e).

CONCLUSION

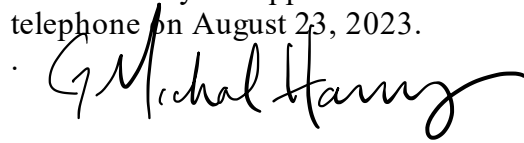
47. Your affiant submits that the facts set forth in this affidavit establish probable cause to believe Lemma committed violations of 18 U.S.C. Sections 794(a) and (c), and 793(e).

48. I declare under the penalty of perjury that the information provided above is true and correct.

Respectfully submitted,

Special Agent
Federal Bureau of Investigation
Washington, D.C.

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1. by telephone on August 23, 2023.



THE HONORABLE G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE