

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FILED

JUN 7 2005

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY
DEBRA J. FRANK

UNITED STATES OF AMERICA

v.

HAMID HAYAT

CRIMINAL COMPLAINT

302 Acacia Street, Apartment A, Lodi, California 95240 CASE NUMBER:
(DOB: 09/10/1982)

(Name and Address of Defendant)

MAG-05 - 0161 PAN

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about **June 3, 2005** in **San Joaquin County**, in the Eastern District of California defendant(s) did, (Track Statutory Language of Offense)

• **SEE AFFIDAVIT**

in violation of Title 18, United States Code, Section(s) 1001. I further state that I am a(n) FBI Special Agent and that this complaint is based on the following facts:

• **SEE AFFIDAVIT**

Continued on the attached sheet and made a part hereof.

Pedro Tenoch Aguilar

Signature of Complainant Special Agent Pedro Tenoch Aguilar
FBI

Sworn to before me, and subscribed in my presence

June 6, 2005

Date

Honorable Peter A. Nowinski
United States Magistrate Judge

Name and Title of Judicial Officer

at

SACRAMENTO, CALIFORNIA

City and State

[Signature]
Signature of Judicial Officer

SEALED

1 EASTERN DISTRICT OF CALIFORNIA

2 SACRAMENTO, CALIFORNIA

3 AFFIDAVIT

4
5 I. BACKGROUND AND EXPERIENCE OF AGENT

6 I, Pedro Tenoch Aguilar, Special Agent of the
7 Federal Bureau of Investigation (FBI), United States
8 Department of Justice, having been duly sworn, do depose and
9 state the following:

10 1. I have been a Special Agent of the FBI since
11 June 2004. I am currently assigned to the Sacramento
12 Division, Stockton Resident Agency.

13 2. Based upon my training and experience, I know
14 that it is a violation of Title 18, United States Code,
15 Section 1001(a)(2) to make any materially false, fictitious
16 or fraudulent statement or representation in any matter
17 within the jurisdiction of the Federal Bureau of
18 Investigation.

19 3. Based on my personal participation in this
20 investigation, including my discussion with other
21 investigating agents, or other law enforcement agencies, and
22 interviews with reliable witnesses, I am familiar with the
23 facts and circumstances of this investigation. The
24 information set forth herein, in this Affidavit, reflects my
25 personal knowledge or has been provided to me by other law
26 enforcement officers, investigative analysts and agents with
27 whom I have spoken, or whose reports I have reviewed.

28 4. Based on the information contained in this

1 affidavit I believe there is probable cause to believe that
2 Hamid Hayat and Umer Hayat violated Title 18, United States
3 Code, Section 1001, when both individuals separately denied
4 that Hamid Hayat had attended a jihadist training camp in
5 Pakistan.

6 II. INDIVIDUALS TO BE ARRESTED

7 5. This affidavit is made in support of a
8 Complaint to arrest the following individuals:

- 9 a) Hamid Hayat
10 b) Umer Hayat

11 III. PROBABLE CAUSE

12 6. On Sunday, 05/29/05 at approximately 5:30am,
13 the Sacramento Division of the FBI was notified, via FBI
14 Headquarters (FBIHQ), that Hamid Hayat, a United States
15 Citizen, was attempting to gain access to the United States
16 via an inbound flight which was scheduled to arrive at San
17 Francisco International Airport at approximately 1:50pm on
18 05/29/05. During his travel from Korea to the United
19 States, while in flight, it was determined that Hamid was on
20 the "No Fly" list. The plane was immediately diverted, and
21 was ultimately allowed to land in Japan for refueling
22 purposes. While in Japan, Hamid was interviewed by an FBI
23 agent and denied having any connection to terrorism or
24 terrorist activities. Based on Hamid's statements verbal
25 authority was granted to downgrade Hamid from the "No Fly"
26 list to the "Selectee list" so that Hamid could continue his
27 planned travel to the United States. Immigration records
28 indicate that Hamid had departed from the United States on

1 04/19/03, arriving in Islamabad, Pakistan on 04/21/03.
2 Immigration records also indicate that he departed from
3 Pakistan on 05/27/05, arriving in the United States on
4 05/29/05.

5 A. Interview of Hamid Hayat

6 7. On June 3, 2005, Hamid Hayat was interviewed by
7 special agents of the FBI. During that interview he was
8 specifically asked if he had ever attended any jihadi camps.
9 He was also asked if he had ever attended any terrorist
10 training camps in Pakistan or in general. He was also asked
11 if he had ever attended a jihadi madrassah (religious
12 school). Hamid stated that he has never attended any type
13 of terrorist training camp or school and is not a jihadi
14 member. He stated that he would never be involved with
15 anything related to terrorism.

16 8. On June 4, 2005 Hamid Hayat voluntarily
17 appeared at the Sacramento office of the FBI to take a
18 polygraph examination that had been requested by the FBI.
19 Hayat, who brought his father with him to the FBI, was
20 informed in advance that the purpose of the polygraph
21 examination was to resolve questions about his possible
22 involvement with terrorist activities. After a brief
23 interview with an FBI agent who showed Hamid some
24 photographs, the polygraph examination was administered and
25 and his answers to the relevant questions were found to be
26 indicative of deception. After approximately two more hours
27 of questioning, Hamid admitted that he had, in fact, attended
28 a jihadist training camp in Pakistan.

1 9. Hamid admitted that he attended a jihadist
2 training camp in Pakistan for approximately 6 months in 2003-
3 2004. Hamid stated that Al-Qaeda supports the camp and
4 provides instructors for the camp. Hamid later confirmed this
5 camp was run by Al-Qaeda. Hamid described the camp as
6 providing structured paramilitary training, including weapons
7 training, explosives training, interior room tactics, hand to
8 hand combat, and strenuous exercise. Classroom instruction
9 included ideological rhetoric detailing opposition towards
10 the United States and other non-Muslim countries. Hamid
11 stated that during his weapons training, photos of various
12 high ranking U.S. political figures, including President
13 Bush, would be pasted onto their targets. Hamid further
14 stated that he and others at the camp were being trained on
15 how to kill Americans. Hamid stated that although he did
16 not participate in all the available instruction, he was
17 aware the other training was ongoing.

18 10. Hamid advised that he specifically requested
19 to come to the United States to carry out his Jihadi mission.

20 B. Interview of Umer Hayat

21 11. On June 3, 2005, Umer Hayat, Hamid Hayat's
22 father, was interviewed by a special agent of the FBI at the
23 same time that Hamid was interviewed. During that interview
24 Umer was specifically asked if his son, Hamid Hayat, was a
25 terrorist. He specifically denied that.

26 12. On June 4, 2005, Umer Hayat, United States
27 citizen, accompanied his son, Hamid Hayat, to the Sacramento
28 Office of the FBI. On that date he was specifically asked if

1 he had a knowledge about terrorist training camps in
2 Pakistan. Umer replied that there were no such training
3 camps in Pakistan.

4 13. Following the interview of Hamid Hayat in
5 which Hamid admitted attending a jihadi training camp, Umer
6 Hayat was interviewed again by FBI agents. At the outset of
7 the interview Umer was shown a videotape of his son's
8 confession. Shortly after viewing that videotape, Umer
9 confirmed that Hamid Hayat attended a jihadist training camp
10 in Pakistan in 2003-04. Umer admitted that he paid for
11 Hamid's flight and had provided him with an allowance of \$100
12 per month, knowing that his intention was to attend a jihadi
13 training camp.

14 14. Umer Hayat described Hamid Hayat as first
15 being interested in attending a jihadi training camp during
16 his early teenage years, and being influenced by a classmate
17 at the madrassah (religious school) Hamid attended in
18 Rawalpindi, Pakistan. Hamid was also influenced by his
19 uncle, who fought with the mujahedeen in Afghanistan. Umer
20 Hayat claimed Hamid was at the training camp for 6 months,
21 but had been able to leave for home on the weekends.

22 15. The madrassah was operated by Hamid Hayat's
23 grandfather, and Umer Hayat's father-in-law. According to
24 Umer Hayat, Qazi Saeed Ur Rehman sends the students from this
25 madrassah to jihadi training camps in Pakistan. After
26 completing his education at the madrassah, Hamid Hayat went
27 to a training camp near Rawalpindi, Pakistan. Umer Hayat
28 stated that the operator of the camp is a close personal

1 friend of Umer Hayat's father-in-law.

2 16. Umer stated that he was invited to observe
3 several operational training camps. According to Umer, he
4 was assigned a driver who drove him from camp to camp. While
5 visiting these training camps he observed weapons and urban
6 warfare training, physical training, and classroom education.

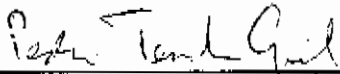
7 CONCLUSION

8 17. Based on the foregoing there is probable cause
9 to believe that Hamid Hayat and Umer Hayat have committed
10 violations of Title 18, United States Code, Section 1001, by
11 making false statements of material fact in a matter within
12 the jurisdiction of the FBI.

13 SEALING REQUEST

14 18. Based on the fact that this investigation is
15 ongoing and due to the sensitive nature of the information
16 contained in this affidavit, the government respectfully
17 requests that the complaint be sealed until further order of
18 this court.

19 I declare under penalty of perjury that the
20 foregoing is true and correct and that this affidavit was
21 executed at Sacramento California on June 6, 2005.

22
23 
24 Pedro Tenoch Aguilar
25 Special Agent
26 FBI, Stockton
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