



UNDER SEAL

UNDER SEAL

2009 FEB 11 PM 2:45

FILED

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

October 2008 Grand Jury

SACR 09 0028

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 AHMADULLAH SAIS NIAZI,)
 aka Ahmadullah Khan,)
 aka Ahmadullah Sais,)
 aka Ahmadullah Sais)
 Khan,)
 aka Ahmadullah Khan)
 Sais,)
 Defendant.)

No. SA CR-_____

I N D I C T M E N T

[18 U.S.C. § 1621(2): Perjury;
18 U.S.C. § 1425: Procurement
of Naturalization Unlawfully;
18 U.S.C. § 1546(a): Use of
Passport Procured by Fraud; 18
U.S.C. § 1001(a): False
Statement]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 1621(2)]

A. INTRODUCTION

1. Dr. Amin al-Haq, aka Dr. Amin ul-Haq, aka Muhammad Amin ("Dr. Amin al-Haq"), security coordinator for Usama bin Laden, was designated by the United Nations Security Council as an



1 individual associated with al-Qaeda and Usama bin Laden on or
2 about March 8, 2001. On or about October 12, 2001, the United
3 States Treasury Office of Foreign Assets Control designated Dr.
4 Amin al-Haq as a Specially Designated Global Terrorist, pursuant
5 to Executive Order 13224. These designations continue in effect.

6 2. Al-Qaeda was designated as a foreign terrorist
7 organization by the Secretary of State on or about October 8,
8 1999, pursuant to Section 219 of the Immigration and Nationality
9 Act. This designation continues in effect. Usama bin Laden has
10 proclaimed publicly that he is the leader of al-Qaeda and that
11 the September 11, 2001 attack on the United States was an al-
12 Qaeda operation.

13 3. Gulbuddin Hekmatyar is the founder of Hezb-e-Islami
14 Gulbuddin ("HIG"), a terrorist organization. On or about
15 February 18, 2003, the State Department and the United States
16 Treasury Office of Foreign Assets Control designated Gulbuddin
17 Hekmatyar a Specially Designated Global Terrorist, pursuant to
18 Executive Order 13224, for his participation in and support of
19 terrorist acts carried out by al-Qaeda and the Taliban. On or
20 about February 20, 2003, the United Nations Security Council
21 designated Gulbuddin Hekmatyar as an individual associated with
22 al-Qaeda. These designations continue in effect.

23 B. THE OFFENSE

24 4. On or about February 24, 2004, in Orange County, within
25 the Central District of California, and elsewhere, defendant
26 AHMADULLAH SAIS NIAZI, aka Ahmadullah Khan, aka Ahmadullah Sais,
27 Ahmadullah Sais Khan, aka Ahmadullah Khan Sais ("NIAZI"), in a
28 declaration, certificate, and statement under penalty of perjury



1 as permitted under Section 1746 of Title 28, United States Code,
2 willfully subscribed as true material matter which defendant
3 NIAZI did not believe to be true. Specifically, on his
4 naturalization application, defendant NIAZI certified under
5 penalty of perjury that (1) he had never used a name other than
6 Ahmadullah Sais; (2) he had never been a member of or associated
7 with any organization, association, fund, foundation, party,
8 club, society, or similar group in the United States or in any
9 other place; and (3) he had never been a member of or in any way
10 associated, either directly or indirectly, with a terrorist
11 organization. In truth and in fact, as defendant NIAZI then well
12 knew, he had used the name Ahmadullah Khan, among others. In
13 truth and in fact, as defendant NIAZI then well knew, he was
14 associated with one or more groups in Afghanistan and/or
15 Pakistan. In truth and in fact, as defendant NIAZI then well
16 knew, he was associated in any way with one or more terrorist
17 organizations, namely, al-Qaeda, HIG, and/or the Taliban.

18
19
20
21
22
23
24
25
26
27
28



COUNT TWO

[18 U.S.C. § 1621(2)]

1
2
3 On or about October 1, 2004, in Los Angeles County, within
4 the Central District of California, and elsewhere, defendant
5 AHMADULLAH SAIS NIAZI, aka Ahmadullah Khan, aka Ahmadullah Sais,
6 Ahmadullah Sais Khan, aka Ahmadullah Khan Sais ("NIAZI"), in a
7 declaration, certificate, and statement under penalty of perjury
8 as permitted under Section 1746 of Title 28, United States Code,
9 willfully subscribed as true a material matter which defendant
10 NIAZI did not believe to be true. Specifically, on his
11 naturalization application, defendant NIAZI certified under
12 penalty of perjury that he had not taken a trip of 24 hours or
13 more outside of the United States since on or about February 24,
14 2004. In truth and in fact, as defendant NIAZI then well knew,
15 he traveled outside the United States to Pakistan on or about
16 May 21, 2004, and returned to the United States on or about
17 June 4, 2004.

18
19
20
21
22
23
24
25
26
27
28



COUNT THREE

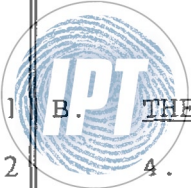
[18 U.S.C. § 1425]

A. INTRODUCTION

1. Dr. Amin al-Haq, aka Dr. Amin ul-Haq, aka Muhammad Amin ("Dr. Amin al-Haq"), security coordinator for Usama bin Laden, was designated by the United Nations Security Council as an individual associated with al-Qaeda and Usama bin Laden on or about March 8, 2001. On or about October 12, 2001, the United States Treasury Office of Foreign Assets Control designated Dr. Amin al-Haq as a Specially Designated Global Terrorist, pursuant to Executive Order 13224. These designations continue in effect.

2. Al-Qaeda was designated as a foreign terrorist organization by the Secretary of State on or about October 8, 1999, pursuant to Section 219 of the Immigration and Nationality Act. This designation continues in effect. Usama bin Laden has proclaimed publicly that he is the leader of al-Qaeda and that the September 11, 2001 attack on the United States was an al-Qaeda operation.

3. Gulbuddin Hekmatyar is the founder of Hezb-e-Islami Gulbuddin ("HIG"), a terrorist organization. On or about February 18, 2003, the State Department and the United States Treasury Office of Foreign Assets Control designated Gulbuddin Hekmatyar a Specially Designated Global Terrorist, pursuant to Executive Order 13224, for his participation in and support of terrorist acts carried out by al-Qaeda and the Taliban. On or about February 20, 2003, the United Nations Security Council designated Gulbuddin Hekmatyar as an individual associated with al-Qaeda. These designations continue in effect.



1 B. THE OFFENSE

2 4. From on or about February 24, 2004, through on or
3 about November 5, 2004, in Orange County, within the Central
4 District of California, and elsewhere, defendant AHMADULLAH SAIS
5 NIAZI, aka Ahmadullah Khan, aka Ahmadullah Sais, Ahmadullah Sais
6 Khan, aka Ahmadullah Khan Sais ("NIAZI"), knowingly procured for
7 himself, contrary to law, naturalization as a United States
8 citizen, to which he was not entitled. Defendant NIAZI knowingly
9 procured naturalization for himself contrary to law by making, in
10 connection with his naturalization application, material false
11 statements under penalty of perjury, including that (1) defendant
12 NIAZI had never used a name other than Ahmadullah Sais; (2) he
13 had never been a member of or associated with any organization,
14 association, fund, foundation, party, club, society, or similar
15 group in the United States or in any other place; (3) he had
16 never been a member of or in any way associated, either directly
17 or indirectly, with a terrorist organization; (4) he had not
18 taken a trip of 24 hours or more outside of the United States
19 since on or about February 24, 2004; and (5) he had never given
20 false or misleading information to any U.S. government official
21 while applying for any immigration benefit. In truth and in
22 fact, as defendant NIAZI then well knew, he had used the name
23 Ahmadullah Khan, among others. In truth and in fact, as
24 defendant NIAZI then well knew, he was associated with one or
25 more groups in Afghanistan and/or Pakistan. In truth and in
26 fact, as defendant NIAZI then well knew, he was associated in any
27 way with one or more terrorist organizations, namely, al-Qaeda,
28 HIG, and/or the Taliban. In truth and in fact, as defendant



1 NIAZI then well knew, he traveled outside the United States to
2 Pakistan on or about May 21, 2004, and returned to the United
3 States on or about June 4, 2004. In truth and in fact, as
4 defendant NIAZI then well knew, he had given false and misleading
5 information to a U. S. government official while applying for
6 permanent residency status when he certified under penalty of
7 perjury that he had no present or past membership in or
8 affiliation with any political organization, association, fund,
9 foundation, party, club, society, or similar group in the United
10 States or in any other place, including any foreign military
11 service, since his 16th birthday. Defendant NIAZI knowingly
12 procured naturalization for himself to which he was not entitled
13 by applying for, and obtaining, naturalization when, as defendant
14 NIAZI then well knew, he was not entitled to naturalization as a
15 United States citizen because he had obtained his permanent
16 residency status by fraud and because he willfully provided false
17 statements under penalty of perjury in connection with his
18 naturalization application.

19
20
21
22
23
24
25
26
27
28



COUNT FOUR

[18 U.S.C. § 1546(a)]

1
2
3 From on or about February 8, 2005, through on or about
4 February 19, 2005, in Los Angeles County, within the Central
5 District of California, and elsewhere, defendant AHMADULLAH SAIS
6 NIAZI, aka Ahmadullah Khan, aka Ahmadullah Sais, Ahmadullah Sais
7 Khan, aka Ahmadullah Khan Sais ("NIAZI"), knowingly used and
8 possessed a document prescribed by statute and regulation for
9 entry into and as evidence of authorized stay and employment in
10 the United States, that is, a United States passport, knowing it
11 to have been procured by means of a false claim and statement,
12 and to have been otherwise procured by fraud and unlawfully
13 obtained. Specifically, defendant NIAZI used his United States
14 passport to travel to Pakistan through Los Angeles International
15 Airport.



COUNT FIVE

[18 U.S.C. § 1001(a)]

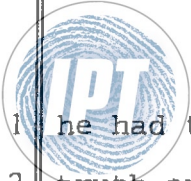
A. INTRODUCTION

1. Dr. Amin al-Haq, aka Dr. Amin ul-Haq, aka Muhammad Amin ("Dr. Amin al-Haq"), security coordinator for Usama bin Laden, was designated by the United Nations Security Council as an individual associated with al-Qaeda and Usama bin Laden on or about March 8, 2001. On or about October 12, 2001, the United States Treasury Office of Foreign Assets Control designated Dr. Amin al-Haq as a Specially Designated Global Terrorist, pursuant to Executive Order 13224. These designations continue in effect.

B. THE OFFENSE

2. On or about February 19, 2005, in Los Angeles County, within the Central District of California, and elsewhere, defendant AHMADULLAH SAIS NIAZI, aka Ahmadullah Khan, aka Ahmadullah Sais, Ahmadullah Sais Khan, aka Ahmadullah Khan Sais ("NIAZI"), in a matter within the jurisdiction of Customs and Border Protection, Department of Homeland Security of the United States, knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation, in that defendant NIAZI stated, upon his return from foreign travel, that

//
//
//
//
//
//
//
//



1 he had traveled to Qatar for one week to visit his family. In
2 truth and in fact, as defendant NIAZI then well knew, he had
3 traveled to Pakistan to visit family, including Dr. Amin al-Haq.

4 A TRUE BILL

5 | S |

6 _____
Foreperson

7
8 THOMAS P. O'BRIEN
United States Attorney

9 CHRISTINE C. EWELL
10 Assistant United States Attorney
Chief, Criminal Division

11

12 ROBB C. ADKINS
13 Assistant United States Attorney
Chief, Southern Division

14 EILEEN M. DECKER
15 Assistant United States Attorney
Chief, National Security Section

16 DEIRDRE Z. ELIOT
17 Assistant United States Attorney
National Security Section

18
19
20
21
22
23
24
25
26
27
28