

AGENT COPY



UNITED STATES DISTRICT COURT

DISTRICT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

DOCKET NO. MAGISTRATE'S CASE NO. SA 09-

v.

TO:

~~SA 09-073 M~~

THE PREMISES KNOWN AS

ANY SPECIAL AGENT(S) WITH THE
FEDERAL BUREAU OF INVESTIGATION
OR ANY OTHER AUTHORIZED OFFICER

13121 CHARLOMA DRIVE
TUSTIN, CALIFORNIA

Affidavit(s) having been made before me by the below-named affiant that he/she has reason to believe that on the premises known as

SEE ATTACHMENT A

in the Central District of California

there is now being concealed certain property, namely:

SEE ATTACHMENT B

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the person or premises above-described and the grounds for application for issuance of the search warrant exist as stated in the supporting affidavit(s), which are incorporated herein by reference and attached hereto.

YOU ARE HEREBY COMMANDED to search on or before March 1, 2009
(not to exceed 10 days) the person or place named above for the property specified, serving this warrant and making the search at any time in the daytime-6:00a.m. to 10:00p.m.-and if the property be found there to seize it, leaving a copy of this warrant and receipt for the property taken, and prepare a written inventory of the property seized and promptly return this warrant to Honorable Arthur Nakazato, United States Magistrate Judge, as required by law.

SPECIAL AGENT THOMAS J. ROPEL, III - FBI

SIGNATURE U.S. MAGISTRATE JUDGE
ARTHUR NAKAZATO

FEBRUARY 19, 2009/TIME ISSUED
at 11:49 a.m.

If a search is to be authorized "at any time in the day or night" pursuant to Federal Rules of Criminal Procedure Rule 11(c), show reasonable cause therefore.
*United States Judge or Judge of a State Court of Record.

AUSA: [Signature] :sia

RETURN

DATE WARRANT RECEIVED

DATE AND TIME WARRANT EXECUTED

COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH

INVENTORY MADE IN THE PRESENCE OF

INVENTORY OF PROPERTY TAKEN PURSUANT TO THE WARRANT



CERTIFICATION

I swear that this inventory is a true and detailed account of all the property taken by me on the warrant.

Subscribed, sworn to, and returned before me this date.

U.S. JUDGE OR MAGISTRATE

DATE



AFFIDAVIT

I, Thomas J. Ropel, III, being duly sworn, hereby depose and state:

1. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI") and have been so employed since May 2002. I am currently assigned to the Orange County Joint Terrorism Task Force ("JTTF") at the Santa Ana Resident Agency of the FBI Los Angeles Field Division. Since entering duty, I have conducted numerous counterterrorism investigations into the material support and financing of terrorism and terrorism-related activities. Prior to joining the FBI, I served as a Captain in the United States Marine Corps. I graduated from Bloomsburg University of Pennsylvania with a Bachelor of Arts in Communication Studies and from National University with a Master's degree in Management. In addition, I graduated from the Basic School and Field Artillery Basic School in the United States Marine Corps. I have attended FBI Basic Agent Training in Quantico, Virginia. Furthermore, I have attended various training seminars and courses regarding counterterrorism measures. For instance, I have attended conferences regarding Counterterrorism Investigative Strategies, Basic International Terrorism, and Suicide Bombing Techniques. I have also worked with other agencies involved in counterterrorism, traveled overseas in connection with sensitive counterterrorism matters,



and interviewed numerous terrorism detainees.

2. This affidavit is made in support of an application for a warrant to search the premises described below for evidence of violations of 31 U.S.C. § 5324 (structuring transactions to evade reporting requirements).

3. I am personally familiar with the facts and circumstances set forth in this affidavit from my own investigation, my review of reports prepared by other law enforcement agents, my discussions with those agents, and my discussions with other experienced counterterrorism investigators and experts. This affidavit is made for the purpose of demonstrating probable cause in connection with the search warrant requested, and does not purport to set forth all of my knowledge of the investigation into this matter.

Premises to be Searched

4. The premises to be searched is:

a. 13121 Charloma Drive, Tustin, California, further described as a single story detached house with an attached two-car garage. When facing the residence from the street, the garage is located on the right side. A walkway with a wooden gate is also located on the right side of the house. The exterior of the house has light-colored stucco and a wood shingle roof. The numbers "13121" are painted on the curb in front of the residence (hereinafter "the Subject Premises").



5. On or about June 20, 2008, the Honorable Arthur Nakazato, United States Magistrate Judge, in SA 08-299M, authorized the issuance of a search warrant for the Subject Premises ("the 2008 Search Warrant"). The 2008 Search Warrant authorized the seizure of evidence of violations of 18 U.S.C. § 1015(a) (false statement in naturalization or citizenship matter); 18 U.S.C. § 1425 (procurement of naturalization unlawfully); and 18 U.S.C. § 1001 (false statement). A true and correct copy of the 2008 Search Warrant is attached hereto as Exhibit A and incorporated by reference herein as if repeated in full. The 2008 Search Warrant and the associated search warrant return are presently under seal.

6. On or about February 11, 2009, in SA CR 09-28, a federal grand jury returned an indictment charging AHMADULLAH SAIS NIAZI, aka Ahmadullah Khan, aka Ahmadullah Sais, aka Ahmadullah Sais Khan, aka Ahmadullah Khan Sais ("NIAZI"), with violations of 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); and 18 U.S.C. § 1001 (false statement). The indictment is presently under seal.

7. NIAZI resides at the Subject Premises with his wife, Jamilah Romlas Amin ("Jamilah"). On or about February 13, 2009, agents conducted surveillance and observed Jamilah at the Subject Premises. On or about February 18, 2009, agents conducting



surveillance observed NIAZI at the Subject Premises. In addition, on or about February 17, 2009, I was advised by the United States Postal Inspection Service that NIAZI continues to receive mail at the Subject Premises.

Hawala Transactions

8. On or about June 25, 2008, I executed the 2008 Search Warrant at the Subject Premises along with other agents and task force officers assigned to the JTTF. NIAZI and Jamilah resided at the Subject Premises and were present at the Subject Premises at the time of the search. Searching agents seized numerous documents from the Subject Premises reflecting multiple cash transfers by NIAZI and Jamila to Pakistan and Afghanistan through the use of a hawala, an unlicensed money transfer system.

9. Based on my experience and training and my participation in this investigation, I know that the hawala system is an informal monetary remittance system often used by people from Afghanistan and Pakistan to transfer money from one country to another. While the hawala system can be used for legitimate purposes at times, the system is also exploited by those seeking to avoid United States regulations applied to financial remittance systems. For instance, financial institutions must file a Currency Transaction Report for all cash transactions in excess of \$10,000. However, hawala transactions are unregulated and significant monetary transfers can occur



without detection. Typically, a hawala transaction begins when an individual, the sender, wishes to transfer a certain amount of money to an associate, the recipient, overseas. The sender contacts a local hawaladar who will charge a percentage to complete the cash transaction. The sender's hawaladar then contacts a hawaladar in the recipient's area who provides the recipient with the designated amount of cash. Once the cash has been transferred to the recipient, a separate transaction occurs between the hawaladars in both countries. The debt can be reconciled through a number of different means, including the exchange of cash or merchandise, the illicit transfer of cash through couriers, and the laundering of money through legitimate businesses associated with the hawala.

10. At the Subject Premises, searching agents found numerous transaction records in which NIAZI and Jamilah instructed a hawaladar to transfer United States currency to contacts in Peshawar, Pakistan, and Kabul, Afghanistan ("the hawala receipts"). The hawala receipts bear the address of the Subject Premises, contact information for NIAZI and Jamilah, the senders, and contact information for the recipient in the receiving country. Several of the hawala receipts contain handwritten notations with the term "Hawala" and a reference number. In addition, searching agents found at the Subject Premises actual handwritten hawala instructions detailing the



method by which the cash transactions would occur. Attached to several of the hawala receipts found at the Subject Premises are corresponding receipts of cash deposits at various local banks in amounts matching the cash to be transferred overseas plus the percentage charged by the hawaladar. Other hawala receipts have attached copies of checks signed by Jamilah and drawn on Bank of America Account Number 08403-01164, in the names of Jamilah R. Amin and Ahmadullah Sais with the address of the Subject Premises. The memo lines on the front of the checks contain the notations "CASH TRNF" or "CASH."

11. The hawala receipts are dated from 1999 through 2006 and the dollar amounts of the hawala transactions range from \$100.00 to \$1,000.00, with several hundred dollars transferred on average. The hawala receipts document the use of hawalas on approximately fifty-seven occasions and the transfer of approximately \$16,400.00 in cash. Recipients of the cash transfers include Qari Hamidullah Niazi, Jan Dastagir Luqmani, Khalid Niazi, Dur Mohammad Niazi, and Noor Ahmad Niazi. Qari, Khalid, Dur Mohammad and Noor Ahmad are family members of NIAZI. Western Union documents seized from the Subject Premises indicate that NIAZI and Jamilah continued transferring money to Pakistan and Afghanistan in 2008.

12. On or about April 2, 2008, I interviewed NIAZI. During the interview, NIAZI admitted that he had used a hawala in the



past to send money to family in Afghanistan and Pakistan. NIAZI stated that he had not used a hawala for a few years and that he presently was using Western Union to wire money to his family.

13. The majority of the hawala receipts are directed to H. Qadar Qudus ("Qudus"), a hawaladar in Fremont, California. The hawala receipts indicate that Qudus operated out of a business, Computer Outlet, in Fremont from 1999 through 2000. From 2001 through 2003, Qudus operated his hawala out of ZSQ Exchange in Fremont. In 2003, Qudus was arrested in connection with a heroin trafficking and money laundering investigation. Qudus was convicted of money laundering in connection with the laundering of narcotics proceeds (heroin sales) through his hawala. On or about June 2, 2004, Qudus was sentenced to 27 months federal imprisonment. Thereafter, NIAZI used a hawaladar in Winnetka, California.

Bank Transactions

14. Based on my experience and training and my discussions with experienced financial analysts and investigators, I know that Section 5313(a) of Title 31, United States Code, requires domestic financial institutions to file a currency transaction report ("CTR") for any cash transaction exceeding \$10,000. I also know that those involved in criminal activity and/or the funding of criminal activity often structure cash deposits for the purpose of evading the CTR requirement.



15. FBI financial analysts, other FBI agents, and I have conducted a review of various Bank of America financial records. In addition, Bank of America Senior Investigator Rosalind Smith White has reviewed with the FBI the bank accounts and transactions set forth herein. Investigator White specializes in reviewing bank transactions and identifying possible money laundering patterns. Bank of America is a federally insured financial institution located within the United States. During the financial review, I verified the following:

- a. Bank of America Account Number 08403-01164, is a personal checking account in the names of NIAZI and Jamilah opened at the Bank of America located at 13341 Newport Avenue in Tustin, California ("the NIAZI checking account"). The address on the NIAZI checking account is the Subject Premises. Between on or about September 11, 2007, and January 11, 2008, a four-month period, twenty-two credits or deposits were made totaling approximately \$31,344.00. Six of these cash deposits occurred within a period of approximately three weeks and ranged in amounts from \$3,000.00 to \$5,000.00, for a total of approximately \$15,700.00. Specifically, the following cash transactions occurred involving the NIAZI checking



account:

DATE OF CASH DEPOSIT	AMOUNT OF CASH DEPOSIT
October 19, 2007	\$1,163.59
October 19, 2007	\$2,000.00
October 22, 2007	\$5,000.00
October 23, 2007	\$5,000.00
October 24, 2007	\$3,000.00

- b. These cash deposits were made at different area banking centers within a matter of days. Furthermore, while other recurring deposits are payroll checks from Jamilah's employment, the source of the cash deposits referenced above is unknown. The cash deposits into the NIAZI checking account are unusual given previous patterns of account activity. In addition, during that time frame, NIAZI was involved with California Food Channel, a business venture involving the distribution of fruits, nuts, and berries from overseas to various markets in California ("CFC"). NIAZI received payroll checks from CFC which were deposited into the NIAZI checking account. The compensation from CFC was not in the form of cash deposits.
- c. On or about October 30, 2007, \$14,000.00 was transferred online from the NIAZI checking account



to Bank of America Account Number 06255-11783. This personal checking account belongs to Tahir T. Mann, Misskee Mohd Amin, and Jamilah Romlas Amin ("the Mann/Amin checking account"). Tahir T. Mann is the brother of Jamilah and Misskee Mohd Amin is believed to be the sister of Jamilah. The same day that the \$14,000.00 was transferred to the Mann/Amin checking account, check number 1606 in the amount of \$10,000.00 was written on the Mann/Amin checking account made payable to Ahmad Osman. That \$10,000.00 check was then deposited into Bank of America Account Number 08401-61787. This personal checking account belongs to Tahir T. Mann and Ahmad H. Osman ("the Mann/Osman checking account"). Osman is believed to be married to Sakyrah Man, a sister of Jamilah.

- d. Bank of America Account Number 00900-05300 is a checking account in the name of Ahmad Osman and Sakyrah S. Man ("the Osman/Man checking account"). A review of the Osman/Man checking account also reveals a pattern of transactions designed to avoid the CTR requirements. In a one-year period, from approximately June 2005 to July 2006, approximately \$590,000.00 was deposited into the



Osman/Man checking account. Of the total amount, \$198,000.00 constitutes cash deposits. These cash deposits ranged from \$35.00 to \$9,800.00.

Outgoing wire transfers from the Osman/Man checking account ranged from \$9,999.00 to \$30,000.00. The recipients of overseas wire transfers from the Osman/Man checking account were accounts at the Cambodian Public Bank, Ltd.

- e. Union Bank of California is a federally insured financial institution located within the United States. A review of Union Bank of California records reveals that Account Number 03316-16227 in the name of Ahmad Henry Osman ("the Osman checking account) was opened in part with a check from the Osman/Man checking account. During a two-year period from approximately July 2004 through July 2006, approximately \$293,000.00 in cash was deposited into the Osman checking account. None of the cash deposits exceeded \$10,000.00. Furthermore, approximately twelve of the cash deposits were just under \$10,000.00. During that same period, approximately \$364,000.00 was wired from the Osman checking account to individuals in Phnom Penh, Cambodia. On or about September 6,



2005, Osman closed the Osman checking account and transferred the balance to a different account with Union Bank of California in the name of Sakyrah S. Man and Ahmad Henry Osman.

16. During the execution of the 2008 Search Warrant, Task Force Officer John Gatine and I also found approximately \$10,900 in \$100 bills located in a small box within a locked armoire closet in the living room of the Subject Premises. Shortly after discovering the cash, I conducted a brief interview of Jamilah Amin outside the Subject Premises. NIAZI's wife stated that the cash was collected by "Muslim brothers" in the community allegedly for her father's health condition. When asked, Amin would not provide any further information regarding the identity of the "Muslim brothers" who had provided the cash found in the Subject Premises. The entire amount of cash was returned to its location and was not seized at the time.

17. Based on my experience and training, my participation in this investigation, my discussions with other experienced counterterrorism investigators and experts, my discussions with experienced financial analysts and investigators, and the information set forth herein, I respectfully submit the following:

- a. There is probable cause to believe that NIAZI, Jamilah, and others are engaged in structuring



financial transactions for the purpose of evading currency reporting requirements, in violation of 31 U.S.C. § 5324, and using unregulated and unlicensed hawalas to transfer money overseas.

- b. I know that those involved in structuring transactions tend to store evidence of their monetary transactions for long periods of time in their residences where they believe that they enjoy a measure of privacy. In fact, during the execution of the 2008 Search Warrant, searching agents found at the Subject Premises numerous hawala receipts, checks used to transfer money to a hawladar, ATM transaction receipts, and wire transfer records documenting international monetary transactions.
- c. Given the information set forth herein, including the consistent cash deposits in amounts under \$10,000.00, the unexplained source of these large cash deposits, and the use of hawalas, I respectfully submit that there is probable cause to believe that the items listed below, which constitute evidence of violations of 31 U.S.C. § 5324 (structuring financial transactions to evade reporting requirements), as set forth in



Attachment B, will be found at the Subject Premises.

Items to be Seized

18. The items to be seized are:
 - a. All documents, records, receipts, notations, and statements related to transactions with domestic and international banks, lenders, money remittance systems, and hawaladars, including bank account statements, deposit and withdrawal receipts, ATM receipts, cash transaction records, hawala receipts, hawala instructions, credit and debit card statements, credit and debit card receipts, and account opening documents from 1999 to the present;
 - b. All documents and records related to employment and employment compensation for NIAZI and Jamilah from 1999 to the present;
 - c. All documents and records related to cash deposited or transferred into the Mann/Amin checking account, the Mann/Osman checking account, the Osman/Man checking account, the Osman checking account, and accounts in the name of NIAZI and/or Jamilah, including the NIAZI checking account, and all documents and records related to the source of



cash deposited or transferred into these accounts, from 1999 to the present;

- d. All documents, records, correspondence, photographs, materials, and contraband related to the motive for structuring financial transactions through the accounts referenced above;
- e. United States currency secured and secreted in a manner consistent with bulk cash deposits; and
- f. Indicia of occupancy, use, and/or control of the Subject Premises;
- g. As used above, the terms records, documents, or materials include records, documents, or materials created, modified or stored in any form.

THOMAS J. ROPEL, III.
Special Agent
Federal Bureau of Investigation

SUBSCRIBED TO AND SWORN BEFORE ME
THIS 19th DAY OF FEBRUARY, 2009

ARTHUR NAKAZATO

HONORABLE ARTHUR NAKAZATO
UNITED STATES MAGISTRATE JUDGE



ATTACHMENT A

PREMISES TO BE SEARCHED

13121 Charloma Drive, Tustin, California, further described as a single story detached house with an attached two-car garage. When facing the residence from the street, the garage is located on the right side. A walkway with a wooden gate is also located on the right side of the house. The exterior of the house has light-colored stucco and a wood shingle roof. The numbers "13121" are painted on the curb in front of the residence



ATTACHMENT B

ITEMS TO BE SEIZED

The items to be seized from the Subject Premises are the following:

- a. All documents, records, receipts, notations, and statements related to transactions with domestic and international banks, lenders, money remittance systems, and hawaladars, including bank account statements, deposit and withdrawal receipts, ATM receipts, cash transaction records, hawala receipts, hawala instructions, credit and debit card statements, credit and debit card receipts, and account opening documents from 1999 to the present;
- b. All documents and records related to employment and employment compensation for NIAZI and Jamilah from 1999 to the present;
- c. All documents and records related to cash deposited or transferred into the Mann/Amin checking account, the Mann/Osman checking account, the Osman/Man checking account, the Osman checking account, and accounts in the name of NIAZI and/or Jamilah, including the NIAZI checking account, and all documents and records related to the source of cash deposited or transferred into these accounts, from 1999 to the present;
- d. All documents, records, correspondence, photographs, materials, and contraband related to the motive for structuring financial transactions through the accounts referenced above;
- e. United States currency secured and secreted in a manner consistent with bulk cash deposits; and
- f. Indicia of occupancy, use, and/or control of the Subject Premises;
- g. As used above, the terms records, documents, or materials include records, documents, or materials created, modified or stored in any form.

AFFIDAVIT FOR SEARCH WARRANT

COPY *DISH*

UNITED STATES DISTRICT COURT		DISTRICT CENTRAL DISTRICT OF CALIFORNIA
UNITED STATES OF AMERICA vs. THE PREMISES KNOWN AS: 13121 Charloma Drive Tustin, CA		DOCKET NO. MAGISTRATE CASE NO. SA08-299 #
		NAME AND ADDRESS OF JUDGE OR U.S. MAGISTRATE JUDGE ARTHUR NAKAZATO UNITED STATES MAGISTRATE JUDGE
The undersigned being duly sworn deposes and says: That there is reason to believe that		
on the premises known as		DISTRICT CENTRAL DISTRICT OF CALIFORNIA
SEE ATTACHMENT A		
The following property is concealed:		
SEE ATTACHMENT B		FILED - SOUTHERN DIVISION CLERK, U.S. DISTRICT COURT JUN 20 2008 CENTRAL DISTRICT OF CALIFORNIA BY _____ DEPUTY
Affiant alleges the following grounds for search and seizure ¹		
The items to be searched for constitute evidence of violations of Title 18, United States Code, Sections 1015(a), 1425, 1001.		
<input checked="" type="checkbox"/> See attached affidavit which is incorporated as part of this affidavit for search warrant		
Affiant states the following facts establishing the foregoing grounds for issuance of a Search Warrant		
(SEE ATTACHED AFFIDAVIT WHICH IS INCORPORATED AS PART OF THIS AFFIDAVIT FOR SEARCH WARRANT)		
SIGNATURE OF AFFIANT		Thomas J. Ropel III- Special Agent-FBI
Sworn to before me, and subscribed in my presence:		
DATE June 20, 2008		JUDGE ₂ OR US MAGISTRATE JUDGE ARTHUR NAKAZATO

UNDER SEAL

LOGGED

JUN 20 9:55 AM '08
U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA

¹ If a search is to be authorized "at any time in the day or night" pursuant to Federal Rules of Criminal Procedure 41(c), show reasonable cause therefor
² United States Judge or Judge of a State Court of Record

AUSA: DZE/mz

EXHIBIT A



AFFIDAVIT

I, Thomas J. Ropel, III, being duly sworn, hereby depose and state:

1. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI") and have been so employed since May 2002. I am currently assigned to the Orange County Joint Terrorism Task Force ("JTTF") at the Santa Ana Resident Agency of the FBI Los Angeles Field Division. Since entering duty, I have conducted numerous counterterrorism investigations into the material support and financing of terrorism and terrorism-related activities. Prior to joining the FBI, I served as a Captain in the United States Marine Corps. I graduated from Bloomsburg University of Pennsylvania with a Bachelor of Arts in Communication Studies and from National University with a Master's degree in Management. In addition, I graduated from the Basic School and Field Artillery Basic School in the United States Marine Corps. I have attended FBI Basic Agent Training in Quantico, Virginia. Furthermore, I have attended various training seminars and courses regarding counterterrorism measures. For instance, I have attended conferences regarding Counterterrorism Investigative Strategies, Basic International Terrorism, and Suicide Bombing Techniques. I have also worked with other agencies involved in counterterrorism, traveled overseas in connection with sensitive counterterrorism matters,



and interviewed numerous terrorism detainees.

2. This affidavit is made in support of an application for a warrant to search the premises described below for evidence of violations of 18 U.S.C. § 1015(a) (false statement in naturalization or citizenship matter); 18 U.S.C. § 1425 (procurement of naturalization unlawfully); and 18 U.S.C. § 1001 (false statement).

3. I am personally familiar with the facts and circumstances set forth in this affidavit from my own investigation, my review of reports prepared by other law enforcement agents, and my discussions with those agents. This affidavit is made for the purpose of demonstrating probable cause in connection with the search warrant requested, and does not purport to set forth all of my knowledge of the investigation into this matter.

Premises to be Searched

4. The premises to be searched is:

a. 13121 Charloma Drive, Tustin, California, further described as a single story detached house with an attached two-car garage. When facing the residence from the street, the garage is located on the right side. A walkway with a wooden gate is also located on the right side of the house. The exterior of the house has light-colored stucco and a wood shingle roof. The numbers "13121" are painted on the curb in front of



the residence (hereinafter "the Subject Premises").

Background

5. FBI agents and task force officers assigned to the Orange County JTTF are conducting an investigation of AHMADULLAH SAIS NIAZI, aka AHMADULLAH KHAN, aka AHMADULLAH SAIS, aka AHMADULLAH KHAN SAIS (hereinafter "NIAZI"). I have reviewed NIAZI's Alien File ("A-file") containing immigration records and supporting documentation maintained by the Department of Homeland Security. In the course of this investigation, I have also consulted with Immigration and Customs Enforcement ("ICE") Special Agent Suzanne Lenyi. Based on my participation in this investigation, my review of NIAZI's A-file, including all supporting documentation, and my discussions with SA Lenyi, I know the following:

- a. NIAZI was born in Kabul, Afghanistan, on or about August 6, 1974. His Afghan Tazkara (official registration in Kabul, Afghanistan) identifies NIAZI as AHMADULLAH KHAN SAIS.¹ NIAZI lived in Peshawar, Pakistan, from approximately October 1991 to December 1995. He attended the Islamic University of Malaysia from approximately December 1995 through November 1998. On or about September

¹ NIAZI submitted the Afghan Tazkara in support of his immigration application.



26, 1997, NIAZI married Jamilah Amin in Selangor, Malaysia.²

- b. NIAZI entered the United States on or about January 16, 1998, on a B-2 visitor's visa. NIAZI applied for this entry document in Kuala Lumpur, Malaysia, under the name AHMADULLAH KHAN. NIAZI stayed in the United States until February 13, 1998.
- c. On or about November 17, 1998, NIAZI again entered the United States on a B-2 visitor's visa. NIAZI applied for this entry document in Kuala Lumpur, Malaysia, once again under the name AHMADULLAH KHAN.
- d. On or about June 25, 1999, NIAZI applied to adjust his immigration status in the United States (Form I-485) based on his marriage to Jamilah Amin. NIAZI applied under the name AHMADULLAH SAIS and acknowledged that his Arrival/Departure Record (Form I-94) was in the name AHMADULLAH KHAN. On the Form I-485, NIAZI listed the family name of his son as "NIAZI." On or about May 24, 2001, NIAZI was granted Lawful Permanent Resident Status

² Jamilah Amin was born in Kampong Chanang, Cambodia, and became a naturalized United States citizen on or about September 24, 1992.



under the name AHMADULLAH SAIS.³

- e. On or about February 24, 2004, NIAZI applied for naturalization (Form N-400) under the name AHMADULLAH SAIS. The basis for naturalization was NIAZI's status as a Lawful Permanent Resident and his marriage to a United States citizen for the requisite number of years. On the Form N-400, NIAZI indicated that he wanted to legally change his name from AHMADULLAH SAIS to AHMADULLAH SAIS NIAZI. Citizenship and Immigration Services ("CIS") conducted an interview of NIAZI in connection with his naturalization application on or about October 1, 2004 ("the naturalization interview"). On the date of the naturalization interview, NIAZI completed a Petition for Name Change requesting the court to change his name to AHMADULLAH SAIS NIAZI.
- f. On or about November 5, 2004, AHMADULLAH SAIS NIAZI became a naturalized United States Citizen.

³ Jamilah Amin submitted an affidavit of support in connection with NIAZI's immigration application. Supporting documentation used to establish income included sponsor Jamilah Amin's employment information for the period 1999 to 2001, her W-2 Wage and Tax Statement for the tax years 1999 and 2000, joint United States Individual Income Tax Return for the years 1999 and 2000 in the names of AHMADULLAH SAIS and Jamilah Amin, and joint California Resident Income Tax Return for the year 2000 in the names of AHMADULLAH SAIS and Jamilah Amin.



False Statements Regarding Alias and International Travel

6. NIAZI certified under penalty of perjury that his Form N-400 was true and correct on or about February 24, 2004. Based on the evidence collected during this investigation, there is probable cause to believe that NIAZI made the following false statements and misrepresentations on his Form N-400 and during the naturalization interview:

- a. On the Form N-400, NIAZI (applying as AHMADULLAH SAIS) failed to disclose his alias when asked to provide the last, first and middle names of any other name NIAZI had ever used. NIAZI represented in writing that he had never used any other name when he answered "NONE" in response to this question. In fact, as set forth above, prior to February 24, 2004, NIAZI had used the name "AHMADULLAH KHAN."
- b. NIAZI failed to disclose during the naturalization interview that he traveled outside of the United States in May 2004. NIAZI completed the Form N-400 on or about February 24, 2004. At that time, NIAZI represented in writing that he had spent a total of three days outside of the United States in the last five years. NIAZI represented in writing that he took a trip to Canada of three



days' duration in July 2002 or 2003. (The Form N-400 indicates that the trip commenced on July 3, 2003, and ended on July 6, 2002.) During the naturalization interview, NIAZI failed to disclose foreign travel that occurred after NIAZI completed the Form N-400 (February 2004) and before the naturalization interview (October 2004). I have reviewed Customs and Border Patrol records and Virgin Atlantic Airways records which indicate that AHMADULLAH SAIS departed Los Angeles International Airport (LAX) on or about May 21, 2004, and flew to London/Heathrow International. These same records show that AHMADULLAH SAIS departed London/Heathrow International bound for LAX on or about June 4, 2004. The handwritten notation "no other" on NIAZI's Form N-400 indicates that NIAZI failed to disclose this additional trip outside the United States during the naturalization interview.

7. On or about April 2, 2008, I interviewed NIAZI. During the interview, NIAZI stated that he traveled outside the United States on four occasions since coming to this country in 1998. NIAZI advised that he traveled to Holland in 2004, Pakistan in 2005, and Canada on two unspecified occasions.



False Statements Regarding Association with Terrorist
Organization or Any Other Organization

8. On the Form N-400, NIAZI represented under penalty of perjury that he had never been a member of or in any way associated, directly or indirectly, with a terrorist organization. NIAZI also represented that he had never 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.

9. During the April 2, 2008 interview, I asked NIAZI about his relationship with Doctor Amin ul-Haq, aka Muhammad Amin, aka Amin al-Haq ("Amin ul-Haq"). NIAZI stated the following:

- a. Amin ul-Haq is NIAZI's brother-in-law. NIAZI's sister, Hafiza, is married to Amin ul-Haq. Amin ul-Haq was a member of the Afghan mujahideen who fought against the Soviet Union during the invasion of Afghanistan in the 1980's. NIAZI and his family were upset when Hafiza married Amin ul-Haq because of Amin ul-Haq's past activities. (NIAZI refused to explain his reference to Amin ul-Haq's "past activities.") NIAZI knew that Amin ul-Haq was a member of Hezb-e-Islami Khalis ("HIK") and that Amin ul-Haq was an associate of Younis Khalis, the founder of HIK. During NIAZI's



trip to Pakistan in 2005, NIAZI saw Amin ul-Haq. NIAZI claimed that he did not know if Amin ul-Haq was a member of al-Qaeda.

- b. Amin ul-Haq has three sons with NIAZI's sister: Yaqoob ul-Haq, Ismael ul-Haq, and Asama ul-Haq. These sons are NIAZI's nephews. NIAZI had contact with Ismael ul-Haq and Yaqoob ul-Haq as recently as a few weeks prior to the April 2, 2008 interview. NIAZI has regular contact with Ismael ul-Haq approximately once or twice per month.
- c. Both NIAZI's father and Amin ul-Haq's father worked for the Afghanistan Ministry of Education. NIAZI believes that the fathers' contact at the Ministry of Education is the reason why NIAZI's sister married Amin ul-Haq. NIAZI had heard from his sister, Hafiza, that Amin ul-Haq may have been arrested. NIAZI has in the past used a hawala (an unlicensed money remitting service) to send money to family members in Afghanistan and Pakistan. NIAZI now uses Western Union to wire hundreds of dollars monthly to family members.

Designation of Amin ul-Haq as Specially Designated Global Terrorist

- 10. Based upon my training and experience, my participation



in this investigation, my discussions with other experienced counterterrorism investigators and counterterrorism experts, and my review of open source materials, including the 9/11 Commission Final Report, I know the following:

- a. Shortly after the attacks of September 11, 2001, on or about October 12, 2001, the United States Treasury Office of Foreign Asset Control (OFAC) designated Amin ul-Haq (born in 1960 in the Nangahar Province of Afghanistan) a Specially Designated Global Terrorist. This designation was made pursuant to Executive Order 13224 - Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism. The designation resulted in the freezing of Amin ul-Haq's assets within the jurisdiction of the United States. Previously, on or about March 8, 2001, the United Nations Security Council Committee Concerning Afghanistan had designated Amin ul-Haq as an individual associated with Usama bin Laden.
- b. Amin ul-Haq, NIAZI's brother-in-law, has served as the security coordinator (body guard) for Usama bin Laden. Usama bin Laden has proclaimed publicly that he is the leader of al-Qaeda and



acknowledged publicly that the September 11, 2001 attack on the United States was an al-Qaeda operation. Al-Qaeda was designated by the Secretary of State as a foreign terrorist organization on October 8, 1999, pursuant to Section 219 of the Immigration and Nationality Act. That designation continues in effect.

- c. Younis Khalis, the associate of Amin ul-Haq identified by NIAZI during the April 2, 2008 interview, was a mujahideen commander in Afghanistan during the Soviet invasion. Khalis founded HIK and served as the mentor for Afghan warlord and Specially Designated Global Terrorist Gulbuddin Hekmatyar. Gulbuddin Hekmatyar was designated as a Specially Designated Global Terrorist pursuant to Executive Order 13224 on or about February 19, 2003, for his participation in and support of terrorist acts carried out by al-Qaeda and the Taliban.
- d. In 1996, Usama bin Laden left Sudan for Afghanistan accompanied by family members, bodyguards, and close associates who were members of al-Qaeda. Younis Khalis hosted Usama bin Laden upon his return to Afghanistan in 1996.



e. Amin ul-Haq and NIAZI's sister were married several years prior to 2004 when NIAZI completed the Form N-400.

11. Accordingly, I believe that NIAZI made false statements and misrepresentations when he stated under oath on his Form N-400 that he had never been associated directly or indirectly with a terrorist organization and had never associated with any organization, association, club, or similar group in the United States or elsewhere. Based on my training and experience, my participation in this investigation, my review of NIAZI's A-file, and my discussions with SA Lenyi, I know that NIAZI's misrepresentations on his naturalization application and during the naturalization interview had the tendency to suggest that NIAZI was qualified for naturalization and that the disclosure of truthful information about NIAZI's alias, international travel, and association with Amin ul-Haq would have been materially relevant to NIAZI's procurement of naturalization and receiving immigration status in the United States.

Additional False Statements and Misrepresentations

12. I know from reviewing Customs and Border Patrol records that when NIAZI returned to the United States through LAX in 2005 he was interviewed during a secondary inspection. The records indicate that NIAZI told Customs and Border Patrol that he had been visiting family in Qatar. However, when I interviewed NIAZI



he admitted that in 2005 he traveled to Pakistan and visited with Amin ul-Haq, the Specially Designated Global Terrorist.

13. I have reviewed the United States passport application submitted by NIAZI upon becoming a naturalized United States citizen. NIAZI represented under oath that the only other name he had used was "AHMADULLAH SAIS." In fact, NIAZI had used the name "AHMADULLAH KHAN" as set forth above. Furthermore, NIAZI listed his father's name as "Dur Mohammad Niazi." However, the Afghan Tazkara that NIAZI submitted in support of his immigration application indicates that his father's name is "Dur Mohammed Khan."

14. Given the fact that NIAZI made material false statements regarding his use of an alias, his foreign travel in 2004, his relationship and association with Amin ul-Haq, a high-ranking al-Qaeda member and Specially Designated Global Terrorist, his purpose for international travel in 2005, and his father's name, I believe that NIAZI likely made additional false statements on his immigration application and during the naturalization process regarding his willingness to (a) support and defend the Constitution and laws of the United States of America against all enemies⁴, foreign and domestic; (b) bear true faith and allegiance to the same; (c) bear arms on behalf of the

⁴ Usama bin Laden has publicly declared that al-Qaeda is at war with America.



United States when required by law; and (d) perform noncombatant service in the Armed Forces of the United States when required by law.

15. Furthermore, based on the information set forth herein, including NIAZI's admission that he has used a hawala to send money to family members in Pakistan and the fact that Amin ul-Haq's wife and sons live in Pakistan, I believe that NIAZI likely made additional false statements on his Form I-485 application when he certified under penalty of perjury that he (a) had never engaged in and did not intend to engage in providing assistance through any means to any person that has ever engaged or conspired to engage in any form of terrorist activity; and (b) did not intend to engage in any activity in the United States a purpose of which is opposition to the government of the United State by unlawful means.

16. I know from my participation in this investigation and my review of recent surveillance observations that the Subject Premises is NIAZI's current residence and that he lives there with his wife, Jamilah Amin. In addition, on or about June 16, 2008, I spoke to the United States Postal Service Postmaster for the Tustin, California post office who confirmed that NIAZI continues to receive mail at the Subject Premises.

17. Based on investigation to date and analysis of information derived from a criminal pen register installed and



used from approximately February 2007 through August 2007, I know that NIAZI has used a computer at his residence in the past and that he has used an email address, niazi6@hotmail.com, to contact associates. Furthermore, surveillance officers observed NIAZI carrying a lap top case to and from the Subject Premises on multiple occasions from approximately November 2007 through April 2008. At the time of the April 2, 2008 interview, NIAZI had in his possession a lap top computer and an external hard drive.⁵ Since I interviewed NIAZI in April 2008, NIAZI has changed his pattern of leaving his residence in the morning and returning in the late afternoon. Following the FBI interview, NIAZI has remained primarily at his residence. Recently, NIAZI used his hotmail email account to send an email message inquiring about employment as a language instructor on the Marine base at Camp Pendleton, California. Because NIAZI sent this email during this time period when he has remained primarily at the Subject Premises, I believe that NIAZI continues to use computer devices at the Subject Premises.

⁵ These computer devices were temporarily seized by Orange County Probation ("OCP") personnel in connection with a probation search at the residence of an associate of NIAZI. OCP returned the computer devices to NIAZI after making digital images. OCP conducted a cursory search of the digital images and found several photographs as well as documents in the Pashto language. In addition, NIAZI had bookmarked as "favorites" extremist websites dealing with the conflict in the Middle East. The FBI does not have a complete analysis of the contents of the digital images at this time.



18. Furthermore, based on my experience and training, my participation in this investigation, and my conversations with other experienced counterterrorism and immigration investigators, I know that those involved in naturalization fraud tend to store evidence of their travel, their associations, including familial relations, and their true purposes for entering the United States in their residence for long periods of time beyond their initial entry into the United State because they believe they enjoy a measure of privacy in their residences. Indeed, based on my experience and training, I know that people maintain family photographs depicting life events, such as weddings and family reunions, as well as photographs and memorabilia of travel for long periods of time. Furthermore, as demonstrated above, NIAZI admitted that he presently maintains contact with family members of Amin ul-Haq.

PROCEDURES FOR SEIZURE AND SEARCH OF COMPUTER DEVICES

19. Based upon my training and experience and information related to me by agents and others involved in the forensic examination of computers, I know that computer data can be stored on a variety of systems and storage devices including hard disk drives, floppy disks, compact disks, magnetic tapes and memory chips. I also know that during the search of the Subject Premises it is not always possible to search computer equipment and storage devices for data for a number of reasons, including



the following:

a. Searching computer systems is a highly technical process which requires specific expertise and specialized equipment. There are so many types of computer hardware and software in use today that it is impossible to bring to the search site all of the necessary technical manuals and specialized equipment necessary to conduct a thorough search. In addition, it may also be necessary to consult with computer personnel who have specific expertise in the type of computer, software application or operating system that is being searched.

b. Searching computer systems requires the use of precise, scientific procedures which are designed to maintain the integrity of the evidence and to recover "hidden," erased, compressed, encrypted or password-protected data. Computer hardware and storage devices may contain "booby traps" that destroy or alter data if certain procedures are not scrupulously followed. Since computer data is particularly vulnerable to inadvertent or intentional modification or destruction, a controlled environment, such as a law enforcement laboratory, is essential to conducting a complete and accurate analysis of the equipment and storage devices from which the data will be extracted.

c. The volume of data stored on many computer systems and storage devices will typically be so large that it will be



highly impractical to search for data during the execution of the physical search of the premises. A single megabyte of storage space is the equivalent of 500 double-spaced pages of text. A single gigabyte of storage space, or 1,000 megabytes, is the equivalent of 500,000 double-spaced pages of text. Storage devices capable of storing 160 gigabytes (GB) of data are now commonplace in desktop computers. Consequently, each non-networked, desktop computer found during a search can easily contain the equivalent of 80 million pages of data, which, if printed out, would completely fill a 35' x 35' x 10' room to the ceiling. Further, a 160 GB drive could contain as many as approximately 150 full run movies or 150,000 songs.

d. Computer users can attempt to conceal data within computer equipment and storage devices through a number of methods, including the use of innocuous or misleading filenames and extensions. For example, files with the extension ".jpg" often are image files; however, a user can easily change the extension to ".txt" to conceal the image and make it appear that the file contains text. Computer users can also attempt to conceal data by using encryption, which means that a password or device, such as a "dongle" or "keycard," is necessary to decrypt the data into readable form. In addition, computer users can conceal data within another seemingly unrelated and innocuous file in a process called "steganography." For example, by using



steganography a computer user can conceal text in an image file which cannot be viewed when the image file is opened. Therefore, a substantial amount of time is necessary to extract and sort through data that is concealed or encrypted to determine whether it is evidence, contraband or instrumentalities of a crime.

Items to be Seized

20. Based on my training and experience, my participation in this investigation, my discussions with other experienced counterterrorism investigators, my discussions with experienced Immigration and Customs investigators, and the information set forth herein, I respectfully submit that there is probable cause to believe that the following items, which constitute evidence of violations of 18 U.S.C. § 1015(a) (false statement in naturalization or citizenship matter); 18 U.S.C. § 1425 (procurement of naturalization unlawfully); and 18 U.S.C. § 1001 (false statement), as set forth in Attachment B, will be found at the Subject Premises:

- a. All documents and records related to immigration applications and petitions for NIAZI (under any name), including naturalization applications, petitions for alien relative, applications to adjust status, employment authorization applications; naturalization certificates, notices of naturalization oath ceremony, petitions for



name change, entry visa applications and departure records, B2 visitor and all entry visas, affidavits of support, Permanent Resident Card, and Employment Authorization Cards;

- b. All documents and records submitted in support of immigration applications and petitions for NIAZI (under any name), including marriage certificates, entry visa documentation, education records, Afghanistan and/ or Pakistan registration documents, including Afghan Tazkara, sponsor Jamilah Amin's employment information for the period 1999 to 2001, sponsor Jamilah Amin's W-2 Wage and Tax Statement for the tax years 1999 and 2000, joint United States Individual Income Tax Return for the years 1999 and 2000 in the names of AHMADULLAH SAIS and Jamilah Amin, joint California Resident Income Tax Return for the year 2000 in the names of AHMADULLAH SAIS and Jamilah Amin;
- c. All passports and passport documents related to NIAZI (under any name), including passports issued by the United States and/or Afghanistan, all documents and records related to the application for and issuance to and/or use of passports by NIAZI (under any name);



- d. All documents, stamps, and records reflecting NIAZI's entry into and exit from all countries, including the United States, England, Afghanistan, Pakistan, Malaysia, and Holland (under any name);
- e. All documents and records reflecting travel by NIAZI (under any name) outside of the United States from 1997 to the present, including airline tickets, airline receipts, itineraries, travel agency receipts, baggage receipts, hotel and rental car receipts, taxi receipts, credit card receipts related to international travel, and foreign bank or economic transactions related to international travel;
- f. All photographs and documents depicting or related to NIAZI's family members, family gatherings, international travel, attendance at foreign universities, and stay in other countries, including England, Afghanistan, Pakistan, Malaysia, and Holland;
- g. All correspondence and documents, including telephone records and telephone numbers stored in cellular telephones and other devices at the Subject Premises, related to NIAZI's family members, including family members residing in



Afghanistan and Pakistan;

- h. All documents, records, photographs, correspondence, and propaganda materials related to groups and individuals who provide or conspire to provide, through any means, assistance or support to (1) enemies of the United States, (2) those who engage in or conspire to engage in any form of terrorist activity, or (3) those who engage in activity a purpose of which is opposition to the government of the United States by unlawful means;
- i. All documents, records, correspondence, and photographs, including telephone records and telephone numbers stored in cellular telephones and other devices at the Subject Premises, related to Doctor Amin ul-Haq, aka Muhammad Amin, aka Amin al-Haq; al-Qaeda, Usama bin Laden, any other members of al-Qaeda or other terrorist organizations, Hezb-e-Islami Khalis (HIK or any variation thereof), Younis Khalis, Gulbuddin Hekmatyar, any other Specially Designated Global Terrorist, NIAZI's sister Hafiza, Yaqoob ul-Haq, Ismael ul-Haq, Asama ul-Haq,
- j. Address books, journals, phone books, telephone



records, personal organizers, notes, and other documents identifying NIAZI family members and/or the individuals and organizations referenced in items h and i above; and

k. Indicia of occupancy, use, and/or control of the Subject Premises;

l. As used above, the terms records, documents, programs, applications or materials include records, documents, programs, applications or materials created, modified or stored in any form.

m. In searching for data capable of being read, stored or interpreted by a computer, law enforcement personnel executing this search warrant will employ the following procedure:

i. Upon securing the premises, law enforcement personnel trained in searching and seizing computer data (the "computer personnel") will make an initial review of any computer equipment and storage devices (collectively the "computer devices") to determine whether the computer devices can be searched on-site in a reasonable amount of time and without jeopardizing the ability to preserve data contained on the computer devices.

ii. If the computer devices can be searched on-site in a reasonable amount of time and without jeopardizing the



ability to preserve data, they will be searched on-site, and a computer device will be seized only if the search reveals it to contain any data that falls within the list of items to be seized set forth herein.

iii. If the computer devices cannot be searched on-site in a reasonable amount of time and without jeopardizing the ability to preserve data, then the computer personnel will determine whether it is practical to copy the data contained on the computer devices during the execution of the search in a reasonable amount of time without jeopardizing the ability to preserve that data. If it is practical, and the computer devices cannot be searched on site in a reasonable amount of time and without jeopardizing the ability to preserve data, the computer personnel will make a copy of the data contained on each computer device (a "data image") during the execution of this search and shall seize the data images rather than the computer devices themselves.

iv. If the computer personnel determine it is not practical to perform an on-site search of the computer devices or make an on-site data image within a reasonable period of time and without jeopardizing the ability to preserve data, then the computer devices will be seized and transported to an appropriate law enforcement laboratory for review. The computer devices will be reviewed by appropriately trained personnel in order to



extract and seize any data that falls within the list of items to be seized set forth herein.

v. In searching the computer devices or data images, the computer personnel may examine all of the data contained in the computer devices or data images to view their precise contents and determine whether the data falls within the items to be seized as set forth herein. In addition, the computer personnel may search for and attempt to recover "deleted," "hidden" or encrypted data to determine whether the data falls within the list of items to be seized as set forth herein.

vi. If the computer personnel seize the computer devices pursuant to subparagraph iv above or make a data image pursuant to subparagraph iii above, the computer personnel will initially search the computer devices or data images within a reasonable amount of time not to exceed 60 days from the date of execution of the warrant. If, after conducting such a search, the case agents determine that a computer device or data image contains any data falling within the list of items to be seized pursuant to this warrant, the government will retain the computer device or data image for further analysis; otherwise, the government will return the computer device or delete the data image. If the government needs additional time to determine whether the data on the computer devices or data images falls



within any of the items to be seized pursuant to this warrant, it may seek an extension of the time period from the Court within the original sixty day period from the date of execution of the warrant.

n. In order to search for data that is capable of being read or interpreted by a computer, law enforcement personnel will need to seize and search the following items, subject to the procedures set forth above:

i. Any computer equipment and storage device capable of being used to commit, further or store evidence of the offense listed above;

ii. Any computer equipment used to facilitate the transmission, creation, display, encoding or storage of data, including word processing equipment, modems, docking stations, monitors, printers, plotters, encryption devices, and optical scanners;

iii. Any magnetic, electronic or optical storage device capable of storing data, such as floppy disks, hard disks, tapes, CD-ROMs, CD-R, CD-RWs, DVDs, optical disks, printer or memory buffers, smart cards, PC cards, memory calculators, electronic dialers, electronic notebooks, cellular telephones, and personal digital assistants;

iv. Any documentation, operating logs and reference manuals regarding the operation of the computer



equipment, storage devices or software.

v. Any applications, utility programs, compilers, interpreters, and other software used to facilitate direct or indirect communication with the computer hardware, storage devices or data to be searched;

vi. Any physical keys, encryption devices, dongles and similar physical items that are necessary to gain access to the computer equipment, storage devices or data; and

vii. Any passwords, password files, test keys, encryption codes or other information necessary to access the computer equipment, storage devices or data.

THOMAS J. ROPEL, III.
Special Agent
Federal Bureau of Investigation

SUBSCRIBED TO AND SWORN BEFORE ME
THIS 20th DAY OF JUNE, 2008

ARTHUR NAKAZATO

HONORABLE ARTHUR NAKAZATO
UNITED STATES MAGISTRATE JUDGE



ATTACHMENT A

PREMISES TO BE SEARCHED

13121 Charloma Drive, Tustin, California, further described as a single story detached house with an attached two-car garage. When facing the residence from the street, the garage is located on the right side. A walkway with a wooden gate is also located on the right side of the house. The exterior of the house has light-colored stucco and a wood shingle roof. The numbers "13121" are painted on the curb in front of the residence



ATTACHMENT B

ITEMS TO BE SEIZED

The items to be seized from the Subject Premises are the following:

- a. All documents and records related to immigration applications and petitions for NIAZI (under any name), including naturalization applications, petitions for alien relative, applications to adjust status, employment authorization applications; naturalization certificates, notices of naturalization oath ceremony, petitions for name change, entry visa applications and departure records, B2 visitor and all entry visas, affidavits of support, Permanent Resident Card, and Employment Authorization Cards;
- b. All documents and records submitted in support of immigration applications and petitions for NIAZI (under any name), including marriage certificates, entry visa documentation, education records, Afghanistan and/ or Pakistan registration documents, including Afghan Tazkara, sponsor Jamilah Amin's employment information for the period 1999 to 2001, sponsor Jamilah Amin's W-2 Wage and Tax Statement for the tax years 1999 and 2000, joint United States Individual Income Tax Return for the years 1999 and 2000 in the names of AHMADULLAH SAIS and Jamilah Amin, joint California Resident Income Tax Return for the year 2000 in the names of AHMADULLAH SAIS and Jamilah Amin;
- c. All passports and passport documents related to NIAZI (under any name), including passports issued by the United States and/or Afghanistan, all documents and records related to the application for and issuance to and/or use of passports by NIAZI (under any name);
- d. All documents, stamps, and records reflecting NIAZI's entry into and exit from all countries, including the United States, England, Afghanistan, Pakistan, Malaysia, and Holland (under any name);
- e. All documents and records reflecting travel by



- NIAZI (under any name) outside of the United States from 1997 to the present, including airline tickets, airline receipts, itineraries, travel agency receipts, baggage receipts, hotel and rental car receipts, taxi receipts, credit card receipts related to international travel, and foreign bank or economic transactions related to international travel;
- f. All photographs and documents depicting or related to NIAZI's family members, family gatherings, international travel, attendance at foreign universities, and stay in other countries, including England, Afghanistan, Pakistan, Malaysia, and Holland;
 - g. All correspondence and documents, including telephone records and telephone numbers stored in cellular telephones and other devices at the Subject Premises, related to NIAZI's family members, including family members residing in Afghanistan and Pakistan;
 - h. All documents, records, photographs, correspondence, and propaganda materials related to groups and individuals who provide or conspire to provide, through any means, assistance or support to (1) enemies of the United States, (2) those who engage in or conspire to engage in any form of terrorist activity or (3) those who engage in activity a purpose of which is opposition to the government of the United States by unlawful means;
 - i. All documents, records, correspondence, and photographs, including telephone records and telephone numbers stored in cellular telephones and other devices at the Subject Premises, related to Doctor Amin ul-Haq, aka Muhammad Amin, aka Amin al-Haq; al-Qaeda, Usama bin Laden, any other members of al-Qaeda or other terrorist organizations, Hezb-e-Islami Khalis (HIK or any variation thereof), Younis Khalis, Gulbuddin Hekmatyar, any other Specially Designated Global Terrorist, NIAZI's sister Hafiza, Yaqoob ul-Haq, Ismael ul-Haq, Asama ul-Haq,



- j. Address books, journals, phone books, telephone records, personal organizers, notes, and other documents identifying NIAZI family members and/or the individuals and organizations referenced in items h and i above; and
- k. Indicia of occupancy, use, and/or control of the Subject Premises;

l. As used above, the terms records, documents, programs, applications or materials include records, documents, programs, applications or materials created, modified or stored in any form.

m. In searching for data capable of being read, stored or interpreted by a computer, law enforcement personnel executing this search warrant will employ the following procedure:

i. Upon securing the premises, law enforcement personnel trained in searching and seizing computer data (the "computer personnel") will make an initial review of any computer equipment and storage devices (collectively the "computer devices") to determine whether the computer devices can be searched on-site in a reasonable amount of time and without jeopardizing the ability to preserve data contained on the computer devices.

ii. If the computer devices can be searched on-site in a reasonable amount of time and without jeopardizing the ability to preserve data, they will be searched on-site, and a computer device will be seized only if the search reveals it to contain any data that falls within the list of items to be seized set forth herein.

iii. If the computer devices cannot be searched on-site in a reasonable amount of time and without jeopardizing the ability to preserve data, then the computer personnel will determine whether it is practical to copy the data contained on the computer devices during the execution of the search in a reasonable amount of time without jeopardizing the ability to preserve that data. If it is practical, and the computer devices cannot be searched on site in a reasonable amount of time and without jeopardizing the ability to preserve data, the computer personnel will make a copy of the data contained on each computer device (a "data image") during the execution of this search and shall seize the data images rather than the computer devices



themselves.

iv. If the computer personnel determine it is not practical to perform an on-site search of the computer devices or make an on-site data image within a reasonable period of time and without jeopardizing the ability to preserve data, then the computer devices will be seized and transported to an appropriate law enforcement laboratory for review. The computer devices will be reviewed by appropriately trained personnel in order to extract and seize any data that falls within the list of items to be seized set forth herein.

v. In searching the computer devices or data images, the computer personnel may examine all of the data contained in the computer devices or data images to view their precise contents and determine whether the data falls within the items to be seized as set forth herein. In addition, the computer personnel may search for and attempt to recover "deleted," "hidden" or encrypted data to determine whether the data falls within the list of items to be seized as set forth herein.

vi. If the computer personnel seize the computer devices pursuant to subparagraph iv above or make a data image pursuant to subparagraph iii above, the computer personnel will initially search the computer devices or data images within a reasonable amount of time not to exceed 60 days from the date of execution of the warrant. If, after conducting such a search, the case agents determine that a computer device or data image contains any data falling within the list of items to be seized pursuant to this warrant, the government will retain the computer device or data image for further analysis; otherwise, the government will return the computer device or delete the data image. If the government needs additional time to determine whether the data on the computer devices or data images falls within any of the items to be seized pursuant to this warrant, it may seek an extension of the time period from the Court within the original sixty day period from the date of execution of the warrant.

n. In order to search for data that is capable of being read or interpreted by a computer, law enforcement personnel will need to seize and search the following items, subject to the procedures set forth above:

i. Any computer equipment and storage device capable of being used to commit, further or store evidence of the offense listed above;



ii. Any computer equipment used to facilitate the transmission, creation, display, encoding or storage of data, including word processing equipment, modems, docking stations, monitors, printers, plotters, encryption devices, and optical scanners;

iii. Any magnetic, electronic or optical storage device capable of storing data, such as floppy disks, hard disks, tapes, CD-ROMs, CD-R, CD-RWs, DVDs, optical disks, printer or memory buffers, smart cards, PC cards, memory calculators, electronic dialers, electronic notebooks, cellular telephones, and personal digital assistants;

iv. Any documentation, operating logs and reference manuals regarding the operation of the computer equipment, storage devices or software.

v. Any applications, utility programs, compilers, interpreters, and other software used to facilitate direct or indirect communication with the computer hardware, storage devices or data to be searched;

vi. Any physical keys, encryption devices, dongles and similar physical items that are necessary to gain access to the computer equipment, storage devices or data; and

vii. Any passwords, password files, test keys, encryption codes or other information necessary to access the computer equipment, storage devices or data.