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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION  
October 2008 Grand Jury

UNITED STATES OF AMERICA, ) No. SA CR-\_\_\_\_\_  
)  
Plaintiff, ) I N D I C T M E N T  
)  
v. ) [18 U.S.C. § 1621(2): Perjury;  
) 18 U.S.C. § 1425: Procurement  
AHMADULLAH SAIS NIAZI, ) of Naturalization Unlawfully;  
) 18 U.S.C. § 1546(a): Use of  
aka Ahmadullah Khan, ) Passport Procured by Fraud; 18  
aka Ahmadullah Sais, ) U.S.C. § 1001(a): False  
aka Ahmadullah Sais ) Statement]  
Khan, )  
aka Ahmadullah Khan )  
Sais, )  
Defendant. )  
)  
\_\_\_\_\_)

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.

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COUNT TWO

[18 U.S.C. § 1621(2)]

On or about October 1, 2004, 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 declaration, certificate, and statement under penalty of perjury as permitted under Section 1746 of Title 28, United States Code, willfully subscribed as true a material matter which defendant NIAZI did not believe to be true. Specifically, on his naturalization application, defendant NIAZI certified under penalty of perjury that he had not taken a trip of 24 hours or more outside of the United States since on or about February 24, 2004. In truth and in fact, as defendant NIAZI then well knew, he traveled outside the United States to Pakistan on or about May 21, 2004, and returned to the United States on or about June 4, 2004.

1 COUNT THREE

2 [18 U.S.C. § 1425]

3 A. INTRODUCTION

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

12 2. Al-Qaeda was designated as a foreign terrorist  
13 organization by the Secretary of State on or about October 8,  
14 1999, pursuant to Section 219 of the Immigration and Nationality  
15 Act. This designation continues in effect. Usama bin Laden has  
16 proclaimed publicly that he is the leader of al-Qaeda and that  
17 the September 11, 2001 attack on the United States was an al-  
18 Qaeda operation.

19 3. Gulbuddin Hekmatyar is the founder of Hezb-e-Islami  
20 Gulbuddin ("HIG"), a terrorist organization. On or about  
21 February 18, 2003, the State Department and the United States  
22 Treasury Office of Foreign Assets Control designated Gulbuddin  
23 Hekmatyar a Specially Designated Global Terrorist, pursuant to  
24 Executive Order 13224, for his participation in and support of  
25 terrorist acts carried out by al-Qaeda and the Taliban. On or  
26 about February 20, 2003, the United Nations Security Council  
27 designated Gulbuddin Hekmatyar as an individual associated with  
28 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 16<sup>th</sup> 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.

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COUNT FOUR

[18 U.S.C. § 1546(a)]

From on or about February 8, 2005, through 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"), knowingly used and possessed a document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, that is, a United States passport, knowing it to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained. Specifically, defendant NIAZI used his United States passport to travel to Pakistan through Los Angeles International 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

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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  
6 Foreperson

7  
8 THOMAS P. O'BRIEN  
United States Attorney

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

11  
12 ROBB C. ADKINS  
Assistant United States Attorney  
13 Chief, Southern Division

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

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