

1 EASTERN DISTRICT OF CALIFORNIA

2 SACRAMENTO, CALIFORNIA

3 AFFIDAVIT

4
5 I. BACKGROUND AND EXPERIENCE OF AGENT

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

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

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

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

27 4. Based on the information contained in this
28 affidavit I believe there is probable cause to believe that

1 Hamid Hayat and Umer Hayat violated Title 18, United States
2 Code, Section 1001, when both individuals separately denied
3 that Hamid Hayat had attended a jihadist training camp in
4 Pakistan.

5 II. INDIVIDUALS TO BE ARRESTED

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

- 8 a) Hamid Hayat
9 b) Umer Hayat

10 III. PROBABLE CAUSE

11 6. On Sunday, 05/29/05 at approximately 5:30am,
12 the Sacramento Division of the FBI was notified, via FBI
13 Headquarters (FBIHQ), that Hamid Hayat, a United States
14 Citizen, was attempting to gain access to the United States
15 via an inbound flight which was scheduled to arrive at San
16 Francisco International Airport at approximately 1:50pm on
17 05/29/05. During his travel from Korea to the United
18 States, while in flight, it was determined that Hamid was on
19 the "No Fly" list. The plane was immediately diverted, and
20 was ultimately allowed to land in Japan for refueling
21 purposes. While in Japan, Hamid was interviewed by an FBI
22 agent and denied having any connection to terrorism or
23 terrorist activities. Based on Hamid's statements verbal
24 authority was granted to downgrade Hamid from the "No Fly"
25 list to the "Selectee list" so that Hamid could continue his
26 planned travel to the United States. Immigration records
27 indicate that Hamid had departed from the United States on
28 04/19/03, arriving in Islamabad, Pakistan on 04/21/03.

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

4 A. Interview of Hamid Hayat

5 7. On June 3, 2005, Hamid Hayat was interviewed by
6 special agents of the FBI. During that interview he was
7 specifically asked if he had ever attended any jihadi camps.
8 He was also asked if he had ever attended any terrorist
9 training camps in Pakistan or in general. He was also asked
10 if he had ever attended a jihadi madrassah (religious
11 school). Hamid stated that he would never be involved with
12 anything related to terrorism.

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

26 9. Hamid admitted that he attended a jihadist
27 training camp in Pakistan for approximately 6 months in 2003-
28 2004. Hamid stated that Al-Qaeda supports the camp and

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

15 10. Hamid observed hundreds of attendees from
16 various parts of the world at this camp. According to
17 Hamid, these attendees rotated into the camp depending on
18 their stage of training. Camp attendees were given the
19 opportunity to choose the country in which to carry out their
20 jihadi mission including the United States, Afghanistan,
21 Iraq, Kashmir and other countries.

22 11. Hamid advised that he specifically requested
23 to come to the United States to carry out his Jihadi mission.
24 Potential targets for attack would include hospitals and
25 large food stores.

26 B. Interview of Umer Hayat

27 12. On June 3, 2005, Umer Hayat, Hamid Hayat's
28 father, was interviewed by a special agent of the FBI at the

1 same time that Hamid was interviewed. During that interview
2 Umer was specifically asked if his son, Hamid Hayat, was not
3 a terrorist.

4 13. On June 4, 2005, Umer Hayat, United States
5 citizen, accompanied his son, Hamid Hayat, to the Sacramento
6 Office of the FBI. On that date he was specifically asked if
7 he had a knowledge about terrorist training camps in
8 Pakistan. Umer replied that there were no such training
9 camps in Pakistan.

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

20 15. Umer Hayat described Hamid Hayat as first
21 being interested in attending a jihadi training camp during
22 his early teenage years, and being influenced by a classmate,
23 Sadr Yaqoob (phoenetic spelling), at the madrassah (religious
24 school) Hamid attended in Rawalpindi, Pakistan. Hamid was
25 also influenced by his uncle, Atiq Ur Rahman (phonetic
26 spelling), who fought with the mujahedeen in Afghanistan.
27 Umer Hayat claimed Hamid was at the training camp for 6
28 months, but had been able to leave for home on the weekends.

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16. The madrassah was operated by Hamid Hayat's grandfather, and Umer Hayat's father-in-law, Qazi Saeed Ur Rehman. According to Umer Hayat, Qazi Saeed Ur Rehman sends the students from this madrassah to jihadi training camps in Pakistan. After completing his education at the madrassah, Hamid Hayat went to the Tamal training camp near Rawalpindi, Pakistan, which is operated by Maulana Fazlur Rehman. Umer Hayat stated that Maulana Fazlur Rehman is a close personal friend of Saeed Ur Rehman, Umer Hayat's father-in-law.

17. Umer stated that due to his close familial connections to the leaders of the above-mentioned madrassah and training camp, he was invited to observe several operational training camps. According to Umer, he was assigned a driver who drove him from camp to camp. While visiting these training camps he observed weapons and urban warfare training, physical training, and classroom education.

CONCLUSION

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

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

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Pedro Tenoch Aguilar
Special Agent
FBI, Stockton