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RN DISTRICT OF CALIFOR

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12  
13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE EASTERN DISTRICT OF CALIFORNIA  
15

|                              |   |                                 |
|------------------------------|---|---------------------------------|
| 16 UNITED STATES OF AMERICA, | ) | CR. NO. 05-240 GEB              |
|                              | ) |                                 |
| 17 Plaintiff,                | ) | VIOLETIONS: 18 U.S.C. § 2339A - |
|                              | ) | Providing Material Support to   |
| 18 v.                        | ) | Terrorists; 18 U.S.C. § 1001 -  |
|                              | ) | False Statements (3 Counts)     |
| 19 HAMID HAYAT, and          | ) |                                 |
| 20 UMER HAYAT,               | ) |                                 |
|                              | ) |                                 |
| 21 Defendants.               | ) |                                 |

22 F I R S T

23 S U P E R S E D I N G I N D I C T M E N T

24 COUNT ONE: [18 U.S.C. § 2339A - Providing Material Support to  
25 Terrorists]

26 The Grand Jury charges:

27 HAMID HAYAT,

28 defendant herein, as follows:

1 A. Introduction

2 1. At all times relevant to this First Superseding  
3 Indictment, defendants Hamid Hayat and Umer Hayat were United States  
4 citizens. Umer Hayat was the father of Hamid Hayat. They resided,  
5 for a limited portion of time, in Lodi, California.

6 2. As used in this First Superseding Indictment, "jihad" is  
7 an Arabic word meaning "holy war." In this context, jihad refers to  
8 the use of violence, including paramilitary action, against persons,  
9 property or governments deemed to be enemies of a fundamentalist  
10 version of Islam. "Jihadist training" is paramilitary training  
11 received by individuals in preparation to wage jihad. A "jihadist  
12 training camp" is a facility where individuals receive jihadist  
13 training.

14 B. Defendant Hamid Hayat's Provision of and Concealment of  
15 Material Support

16 3. As set forth more fully below, commencing in or about  
17 March, 2003, in the Counties of San Joaquin and Sacramento, State  
18 and Eastern District of California, and elsewhere, and continuing  
19 through on or about June 4, 2005, defendant Hamid Hayat provided  
20 material support and resources, to wit, personnel in the form of his  
21 person; attempted to conceal and disguise the nature of such  
22 material support and resources; and concealed and disguised the  
23 nature of such material support and resources; knowing and intending  
24 that the material support and resources were to be used in  
25 preparation for, and in carrying out, a violation of Title 18,  
26 United States Code, Section 2332b (Acts of Terrorism Transcending  
27 National Boundaries).

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1 C. Defendant Hamid Hayat's Jihadist Training

2 4. Commencing in or about March, 2003, defendant Hamid Hayat  
3 indicated to a cooperating witness that he intended to travel to  
4 Pakistan.

5 5. On or about April 19 to April 21, 2003, defendant Hamid  
6 Hayat traveled from the United States to Pakistan via a commercial  
7 airline, a facility of interstate and international commerce.

8 6. At some point, no earlier than approximately Fall, 2003,  
9 defendant Hamid Hayat provided himself as a recruit to receive  
10 training at a jihadist training camp in Pakistan.

11 7. During a period of months sometime between Fall, 2003 and  
12 Fall, 2004, defendant Hamid Hayat attended the jihadist training  
13 camp in Pakistan and, among other things, received training in  
14 physical fitness, firearms, and means to wage jihad.

15 D. Defendant Hamid Hayat's Intent to Wage Jihad in the United  
16 States

17 8. On or about May 27, 2005, defendant Hamid Hayat departed  
18 Pakistan for the United States via a commercial airline, a facility  
19 of interstate and international commerce. At this time, defendant  
20 Hamid Hayat intended to return to the United States and intended,  
21 upon receipt of orders from other individuals, to wage jihad in the  
22 United States against persons within the United States and against  
23 real and personal property within the United States.

24 E. Defendant Hamid Hayat's Concealment of His Jihadist Training  
25 and Plans to Wage Jihad

26 9. On or about May 30, 2005, defendant Hamid Hayat's plane  
27 was diverted to Narita, Japan. When questioned by the Federal  
28 Bureau of Investigation ("FBI") on that day, defendant Hamid Hayat  
concealed the fact that he had received jihadist training, and that

1 he was returning to the United States for the purpose of waging  
2 jihad.

3 10. On or about May 30, 2005, following FBI questioning,  
4 defendant Hamid Hayat was permitted to depart Japan for the United  
5 States. That same day, he returned to the United States via a  
6 commercial airline, a facility of interstate and international  
7 commerce.

8 11. On or about June 3, 2005, when questioned by the FBI in  
9 Lodi, California, defendant Hamid Hayat concealed the fact that he  
10 had received jihadist training, and that he had returned to the  
11 United States for the purpose of waging jihad.

12 12. On or about June 4, 2005, when questioned by the FBI in  
13 Sacramento, California, defendant Hamid Hayat concealed the fact  
14 that he had received jihadist training and that he had returned to  
15 the United States for the purpose of waging jihad.

16 All in violation of Title 18, United States Code, Sections  
17 2339A, and 3238.

18 COUNT TWO: [18 U.S.C. § 1001 - Making a False Statement]

19 The Grand Jury further charges: T H A T

20 HAMID HAYAT,

21 defendant herein, on or about June 3, 2005, in the County of San  
22 Joaquin, State and Eastern District of California, in a matter  
23 within the jurisdiction of the Federal Bureau of Investigation, an  
24 agency of the United States, involving international and domestic  
25 terrorism, did knowingly and willfully make a false, fictitious, and  
26 fraudulent statement of material fact to a federal agent, to wit:  
27 that he was not involved in any way with any type of terrorist  
28 organization, that he never attended any type of terrorist training

1 camp, that he never attended a jihadist training camp, that he never  
2 attended a terrorist training camp in Pakistan, and that he would  
3 never be involved in anything related to terrorism, when, in truth  
4 and in fact as he then well knew, he had attended one or more  
5 jihadist terrorist training camps in Pakistan, all in violation of  
6 Title 18, United States Code, Section 1001(a)(2).

7 COUNT THREE: [18 U.S.C. § 1001 - Making a False Statement]

8 The Grand Jury further charges: T H A T

9 HAMID HAYAT,

10 defendant herein, on or about June 4, 2005, in the County of  
11 Sacramento, State and Eastern District of California, in a matter  
12 within the jurisdiction of the Federal Bureau of Investigation, an  
13 agency of the United States, involving international and domestic  
14 terrorism, did knowingly and willfully make a false, fictitious, and  
15 fraudulent statement of material fact to a federal agent, to wit:  
16 that he never attended a terrorist camp, that he never received any  
17 training directed toward a jihad against the United States, and that  
18 he never received any weapons training at a jihadist camp, when, in  
19 truth and in fact as he then well knew, he had attended one or more  
20 jihadist terrorist training camps, which included weapons training,  
21 in Pakistan, all in violation of Title 18, United States Code,  
22 Section 1001(a)(2).

23 COUNT FOUR: [18 U.S.C. § 1001 - Making a False Statement]

24 The Grand Jury further charges: T H A T

25 UMER HAYAT,

26 defendant herein, on or about June 4, 2005, in the County of  
27 Sacramento, State and Eastern District of California, in a matter  
28 within the jurisdiction of the Federal Bureau of Investigation, an

1 agency of the United States, involving international and domestic  
2 terrorism, did knowingly and willfully make a false, fictitious, and  
3 fraudulent statement of material fact to a federal agent, to wit:  
4 that he had no first hand knowledge of terrorist training camps in  
5 Pakistan that would prepare people to fight for jihad, and that his  
6 son, Hamid Hayat, did not attend any terrorist or jihadist training  
7 camps, when, in truth and in fact as he then well knew, he had  
8 visited various terrorist training camps in Pakistan, and Hamid  
9 Hayat had attended one or more jihadist terrorist training camps in  
10 Pakistan, all in violation of Title 18, United States Code, Section  
11 1001(a)(2).

12 A TRUE BILL.

13  
14 /s/ Signature on file w/AUSA  
15 FOREPERSON

16   
17 McGREGOR W. SCOTT  
18 United States Attorney