

ATTACHMENT 2

**DEFENDANTS' MOTION FOR A PROTECTIVE ORDER
BARRING THE DEPOSITION OF BARBARA C. HAMMERLE**

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

AL-HARAMAIN)	
ISLAMIC FOUNDATION, <i>et al.</i> ,)	
)	
Plaintiffs,)	
v.)	
)	CV. 06-274- KI
GEORGE W. BUSH, <i>et al.</i> ,)	
)	
Defendants.)	

DECLARATION OF BARBARA C. HAMMERLE

I, Barbara C. Hammerle, pursuant to 28 U.S.C. § 1746, declare the following under penalty of perjury:

1. I am currently serving as the Acting Director of the U.S. Treasury Department's Office of Foreign Assets Control (OFAC) and as OFAC's Deputy Director. I became the Acting Director on February 17, 2006, and have been Deputy Director since January 10, 2005. Prior to becoming the Deputy Director, I was Chief Counsel of the Office of Chief Counsel (Foreign Assets Control), a position I assumed in August, 2001, after serving as the Acting Chief Counsel, and, previously, Deputy Chief Counsel. Before joining the Office of Chief Counsel in 1990, I was an attorney for several years in the private and public sectors.

2. I am familiar with the mission and operations of OFAC, and make this declaration based upon information within my personal knowledge or provided to me in my official capacity.

3. This declaration is made in connection with Defendants' Response to the Oregonian's Motion to Intervene and to Unseal Records in the above-captioned case.

4. OFAC is the office within the U.S. government principally responsible for the implementation, administration, and enforcement of multiple U.S. economic sanctions programs. OFAC administers sanctions against foreign states and nationals, including terrorism-supporting states, entities and individuals, whose actions threaten U.S. foreign policy and national security. In times of a declared “national emergency,” the International Emergency Economic Powers Act (IEEPA) gives the President the authority, which is delegated to OFAC, to “investigate ... regulate, direct and compel, nullify, void, prevent or prohibit” a wide range of transactions concerning “any property in which any foreign country or a national thereof has any interest.” 50 U.S.C. § 1702. In implementing a sanctions program OFAC, pursuant to delegated authority, typically blocks the property and interests in property of the designated country, group, or individual.

5. After the September 11, 2001 attacks at the New York World Trade Center, in Pennsylvania, and against the Pentagon, President Bush issued Executive Order 13224 of September 24, 2001 (“Blocking Property and Prohibiting Transactions with Persons who Commit, Threaten to Commit, or Support Terrorism”), which is to date the most comprehensive Executive order issued to combat international terrorism. With this order, the President declared that the threat of terrorist attacks constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and the President ordered the blocking of all property and interests in property within the United States or in the possession or control of U.S. persons, including foreign branches, in which there is an interest of any person listed in the Annex to the order or subsequently determined to be subject to the order. In Executive Order

13224, the President further delegated to the Secretary of State the power to designate for blocking “foreign persons” who are found “to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.” E.O. 13224 at § 1(b). The President’s specific mandate to the Treasury in the order was to designate those persons, whether foreign persons or U.S. persons, who “are owned or controlled by, or that act for or on behalf of,” designated parties; those who “assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of acts of terrorism for” designated parties; and those who are otherwise “associated with” them. See E.O. 13224 at § 1 (c)-(d). The breadth of the emergency articulated in the Executive order requires Treasury and other government agencies to conduct widespread investigations to make these designations.

6. By memorandum dated February 18, 2004, pursuant to IEEPA, 50 U.S.C. § 1701 *et seq.*, Executive Order 13224, and other authorities, OFAC blocked pending further investigation the property of the United States branch of the Saudi Arabia-based Al-Haramain Islamic Foundation, which is located in Ashland, Oregon (“Al-Haramain”), in order to determine whether it met the criteria for designation under Executive Order 13224. *See* Blocking Memorandum, attached as Exhibit 1.

7. By memoranda dated September 8, 2004, pursuant to IEEPA, Executive Order 13224, and other authorities, Treasury designated Al Haramain, along with one of its directors, Soliman Al-Buthe, as “Specially Designated Global Terrorists” based on a

determination that they met the criteria for designation set forth in Executive Order 13224. See Special Designation and Blocking Memoranda, attached as Exhibit 2.

8. It is my understanding that OFAC, in the course of these designation proceedings, provided to the attorneys for Al-Haramain unclassified and non-privileged information supporting the February 18, 2004 blocking action by OFAC in order to give the entity notice of, and an opportunity to respond to, relevant evidence that could be disclosed.

9. I have been informed that a classified document was inadvertently included among the unclassified materials that were sent to the attorneys for Al-Haramain. The disclosure to Al-Haramain of a classified document was not authorized.

10. I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 11th, 2006



BARBARA C. HAMMERLE
ACTING DIRECTOR
OFFICE OF FOREIGN ASSETS CONTROL



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

FAC No. SDG - 221885

OFFICE OF FOREIGN ASSETS CONTROL

BLOCKING PENDING INVESTIGATION MEMORANDUM

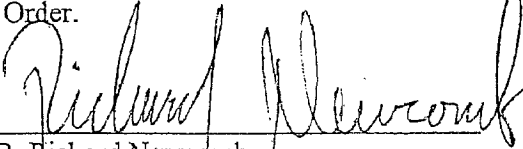
The Office of Foreign Assets Control, pursuant to Executive Order 13224 ("Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism"), section 203 of the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 *et seq.*), and section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), determines, for the reasons set forth in evidentiary memorandum FAC No. SDG- 221885, that there is reason to believe that on or since the effective date (12:01 a.m. EDT, September 24, 2001) the entity identified below and in evidentiary memorandum FAC No. SDG-221885 is subject to E.O. 13224, and therefore the property described below is blocked pending investigation.

AL-HARAMAIN FOUNDATION (United States)
1257 Siskiyou Boulevard, Ashland, OR 97520, U.S.A.; 3800 Highway 99 S, Ashland, OR 97520-8718, U.S.A.; 2151 E Division Street, Springfield, MO 65803, U.S.A.

Accordingly, except to the extent otherwise provided by law or unless licensed or otherwise authorized by the Office of Foreign Assets Control, all funds and accounts and real property of the entity named above that are or hereafter come within the United States or that are or hereafter come within the possession or control of any U.S. person are blocked pending investigation and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

The President determined in section 10 of Executive Order 13224 (September 23, 2001) that, because of the ability to transfer funds or assets instantaneously, prior notice to persons listed in the Annex to, or determined to be subject to, E.O. 13224 who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Executive Order. Therefore, the President determined that no prior notification of a determination need be provided to any person who might have a constitutional presence in the United States. In making this determination pursuant to section 1 of the Executive Order, I also find that no prior notice should be afforded the subject of this determination because to do so would give the subject the opportunity to evade the measures described in Executive Order 13224 and, consequently, render those measures ineffectual toward addressing the national emergency declared in that Executive Order.

2/18/04
Date


R. Richard Newcomb
Director
Office of Foreign Assets Control



SEP 8 2004

FAC No. SDG - 232587

OFFICE OF FOREIGN ASSETS CONTROL

SPECIAL DESIGNATION AND BLOCKING MEMORANDUM

The Office of Foreign Assets Control, pursuant to Executive Order 13224 of September 23, 2001, as amended ("Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism"), section 203 of the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and section 201 of the Global Terrorism Sanctions Regulations (31 C.F.R. 594.201) determines, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, that there is reason to believe that the entities named below and in the attached evidentiary memorandum FAC No. SDG-232587 meet the criteria for designation set forth in section(s) 1(c) and/or (d) of Executive Order 13224 and therefore are designated as persons whose property and interests in property are blocked pursuant to Executive Order 13224, as amended.

AL-HARAMAIN FOUNDATION United States locations:

1257 Siskiyou Boulevard, Ashland, OR 97520, U.S.A.

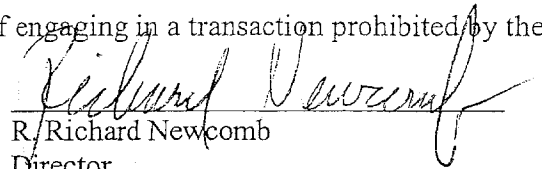
3800 Highway 99 S, Ashland, OR 97520-8718, U.S.A.

2151 E Division Street, Springfield, MO 65803, U.S.A.

Accordingly, except to the extent otherwise provided by law or unless licensed or otherwise authorized by the Office of Foreign Assets Control, (1) all real, personal, and any other property and interests in property of the entity and individual named above, including but not limited to all accounts, that are or hereafter come within the United States, or that are or hereafter come within the possession or control of any U.S. person, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in, and (2) any transaction or dealing by a U.S. person or within the United States in property or interests in property of the entity and individual named above is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the Annex to Executive Order 13224, as amended, or determined to be subject to that order. Except as otherwise authorized, any transaction by a U.S. person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in Executive Order 13224, as amended, or the regulations, is prohibited, and any

conspiracy formed for the purpose of engaging in a transaction prohibited by the order or the regulations is prohibited.

9/8/04
Date



R. Richard Newcomb
Director
Office of Foreign Assets Control



SEP 8 2004

FAC No. SDG - 232587

OFFICE OF FOREIGN ASSETS CONTROL

SPECIAL DESIGNATION AND BLOCKING MEMORANDUM

The Office of Foreign Assets Control, pursuant to Executive Order 13224 of September 23, 2001, as amended ("Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism"), section 203 of the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 *et seq.*), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and section 201 of the Global Terrorism Sanctions Regulations (31 C.F.R. 594.201) determines, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, that there is reason to believe that the entity and individual named below and in the attached evidentiary memorandum FAC No. SDG-232587 meet the criteria for designation set forth in section(s) 1(c) and/or (d) of Executive Order 13224 and therefore are designated as persons whose property and interests in property are blocked pursuant to Executive Order 13224, as amended.

AL-HARAMAIN FOUNDATION Comoros Islands location:

B/P: 1652 Moroni, Comoros Islands

Soliman AL-BUTHE a.k.a Soliman Al-Batahai a.k.a. Soliman Al-Bathi

DOB: 12/08/1961

POB: Egypt

Nationality: Saudi Arabia

Saudi Passport #: B049614

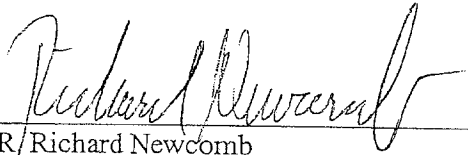
Saudi Passport #: C536660

Accordingly, except to the extent otherwise provided by law or unless licensed or otherwise authorized by the Office of Foreign Assets Control, (1) all real, personal, and any other property and interests in property of the entity and individual named above, including but not limited to all accounts, that are or hereafter come within the United States, or that are or hereafter come within the possession or control of any U.S. person, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in, and (2) any transaction or dealing by a U.S. person or within the United States in property or interests in property of the entity and individual named above is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the Annex to Executive Order 13224, as amended, or determined to be subject to that order. Except as otherwise authorized, any transaction by a U.S. person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in Executive Order 13224, as amended, or the regulations, is prohibited, and any

conspiracy formed for the purpose of engaging in a transaction prohibited by the order or the regulations is prohibited.

The President determined in section 10 of Executive Order 13224, as amended, that, because of the ability to transfer funds or assets instantaneously, prior notice to persons listed in the Annex to that order or determined to be subject to that order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the order. Therefore, the President determined that there need be no prior notice of such a listing or determination. In making this determination pursuant to section 1 of Executive Order 13224, as amended, I also find that no prior notice should be afforded to the entity and individual named above because to do so would provide an opportunity to evade the measures authorized in that order and, consequently, would render those measures ineffectual toward addressing the national emergency declared in that order.

9/8/04
Date



R. Richard Newcomb
Director
Office of Foreign Assets Control