

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

AL-HARAMAIN ISLAMIC FOUNDATION,
INC., *et al.*,

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

No. CV 06-274-KJ

DECLARATION OF ASIM GHAFOOR

1 I, Asim Ghafoor, declare as follows:

2 1. I am an attorney at law, with an office in Tyson's Corner, Virginia, and one of the
3 plaintiffs in the above-captioned litigation.

4 2. Among my clients are the Al Haramain Islamic Foundation, Inc. ("AHIF"), an
5 Oregon nonprofit corporation. I have been representing AHIF since 2002.

6 3. I have been representing AHIF in matters relating charitable foundations such as
7 AHIF.

8 4. In August 2004 I received material relating to the Office of Foreign Assets
9 Control's ("OFAC") potential designation of AHIF as a "specially designated global terrorist"
10 ("SDGT"). When I received the materials I understood that OFAC had voluntarily released the
11 materials to representatives of AHIF and that there were no restrictions on the review, use, or
12 dissemination of any of those materials.

13 5. On October 13, I was visited by representatives of the Federal Bureau of
14 Investigation ("FBI"), one of the defendants in the above-captioned lawsuit, and requested to

1 turn over all copies of one of the documents in the materials provided to me in August,
2 specifically a document captioned "TOP SECRET." I was also instructed not to disseminate the
3 document any further. At that time I told the FBI agents that I had an electronic copy of the
4 document on my computer.

5 6. The FBI agents requested custody of my laptop computer in order that the
6 document might be "scrubbed" from it. I gave them custody and they kept the computer for
7 several days, ultimately returning it to me in early November 2004.

8 7. As a result of the FBI requests I gave to the FBI all copies of the document in my
9 possession, both hard copy and electronic copy. Since that time I have not disseminated that
10 document to any person in any way.

11 8. I understand that the United States has suggested several times that I was
12 responsible for the Document's being available for filing with the court in this case.
13 Specifically, in its May 26, 2006 Memorandum in Support of Defendants' Motion to Prevent
14 Plaintiffs' Access to the Sealed Classified Document (Docket #40), the Government stated:

15 Indeed, after the document's inadvertent disclosure, FBI agents specifically
16 instructed Plaintiffs *not* to further review, disclose, discuss, retain, or disseminate
17 the classified document or classified information contained within the document.
18 Plaintiffs did not abide by these instructions.
19

20 Plaintiff's Memorandum at 3. On page 6, the Memorandum states:

21
22 Plaintiffs Belew and Ghafoor further represented to the FBI that they had returned
23 to the FBI all copies of the document in their possession. *See id.* ¶ 7.

24 In wholesale disregard of these instructions, on February 28, 2006,
25 Plaintiffs filed a copy of the classified document under seal.
26

27 Earlier, in Defendants' Response to Oregonian's Motion dated April 14, 2006 (Docket #24),
28


29 Defendants stated:
30

1 Despite these clear instructions, Plaintiffs apparently retained or reacquired the
2 document from someone who had obtained the document as a result of the same
3 inadvertent disclosure.
4

5 9. Since I turned over the Document to the FBI I have not disseminated the
6 Document to any person in any way. More specifically, I was not the source of the Document
7 that has been filed with this court.

8 10. The only subsequent involvement I have had with the Document was in
9 preparation for this litigation in consultation with my attorneys.

10 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
11 is true and correct to the best of my knowledge, information, and belief.
12

13 
14 _____
Asim Ghafoor