

RUZATULLAH V. GATES, Civil Action No. 06 CV 01707 (GK)

EXHIBIT 1
Of Petitioner Ruzatullah's Opposition to Respondents'
Supplemental Motion to Dismiss

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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RUZATULLAH, ET AL.,	:	
	:	
Petitioners,	:	
	:	
v.	:	
	:	Civil Action No. 06 CV 01707 (GK)
	:	
RICHARD GATES,	:	
Secretary, United States	:	
Department of Defense, <i>et al.</i> ,	:	
	:	
Respondents/Defendants.	:	
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DECLARATION OF ATTORNEY TINA M. FOSTER

I, Tina Foster, hereby declare as follows:

1. I am an attorney duly admitted to practice in the State of New York and the Commonwealth of Massachusetts, and am the Executive Director of the International Justice Network ("IJN"), based in New York, New York. IJN is a non-profit human rights organization that provides legal services to victims of human rights abuses.
2. I, along with co-counsel Baach, Robinson & Lewis, represent Petitioner Ruzatullah in the above-referenced matter.
3. On Friday, July 6, 2007, I was informed by Respondents' counsel that Petitioner Ruzatullah had been transferred out of Bagram into the custody of the government of Afghanistan. Respondents' counsel did not provide any additional details regarding Petitioner Ruzatullah's current condition, location or status -- except to inform me that counsel would file the instant Motion to Dismiss later that day.
4. Later that day, I was informed by IJN cooperating counsel in Kabul, the Afghanistan Human Rights Organization ("AHRO"), that Ruzatullah had been transferred from Bagram to a newly-built prison camp called the "Afghan National Defense Facility" (ANDF) at Pul-i Charkhi prison less than 50 kilometers away.

5. Petitioner Ruzatullah's brother (and Next Friend), Inavatullah, informed Afghan counsel that he had been permitted a brief family visit to Petitioner Ruzatullah at the ANDF on July 4, 2007. According to Inavatullah, Petitioner Ruzatullah displayed several symptoms of psychological distress during their meeting.
6. At my request, Afghan counsel at AHRO have attempted to visit Petitioner Ruzatullah at the ANDF, but have been denied access to him.
7. I have been informed by AHRO that Petitioner has not had any administrative or judicial process in Afghanistan explaining the reason for his continued indefinite detention, and that there are currently no criminal or civil charges pending against him in Afghan courts.
8. I personally visited Pul-i Charkhi prison in February, 2006. At that time, I was given a tour of the then under-construction ANDF by prison personnel. I was informed by numerous prison staff that the ANDF construction project was being funded and supervised by the United States government. I was also informed by the staff on-site, that the ANDF was being constructed at the request of the United States government for the purpose of housing detainees that the United States wished to transfer from Guantanamo and Bagram to Afghanistan.

I state under penalty of perjury that the foregoing is true to the best of my knowledge and belief.

Executed in New York, N.Y., on this 31st day of July 2007


Tina M. Foster