

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SHIMON ROSENBERG et al.,

Plaintiff,

1:10-cv-05381

-against-

LASHKAR-E-TAIBA et al.,

Defendants.

KIA SCHERR, Individually, and as Personal
Representative of the Estates of Naomi Scherr and
Alan Scherr,

1:10-cv-05382

Plaintiff,

-against-

LASHKAR-E-TAIBA et al.,

Defendants.

EMUNAH CHROMAN, Individually, and as
Personal Representative of the Estate of Ben Zion
Chroman,

Plaintiff,

1:10-cv-05448

-against-

LASHKAR-E-TAIBA et al.,

Defendants.

**DECLARATION OF MAULVI ANWAR UL HAQ, ATTORNEY GENERAL OF THE
ISLAMIC REPUBLIC OF PAKISTAN IN SUPPORT OF THE MOTION BY THE
DEFENDANTS, THE INTER-SERVICES INTELLIGENCE DIRECTORATE OF THE
ISLAMIC REPUBLIC OF PAKISTAN AND ITS CURRENT AND FORMER
DIRECTOR GENERALS, FOR DISMISSAL**

Maulvi Anwar ul Haq hereby declares, under penalty of perjury under the laws of the United State of America, as follows:-

1. I make this Declaration in support of the motion to dismiss of defendants, the Inter Services Intelligence Directorate of the Islamic Republic of Pakistan (“ISI”) and Lieutenant General Ahmed Shuja Pasha, the current Director General of ISI and Lieutenant General Nadeem Taj, former Director General of ISI who remained in office from October 2007 to October 2008. In particular, I make this Declaration to put before the Court the facts regarding the status of ISI part of the Federal Government of the Islamic Republic of Pakistan.

2. I am the Attorney General of Pakistan, having been appointed to that position by the President of Pakistan in April, 2010. Prior to becoming Attorney General, I was Judge in the Lahore High Court. I make this Declaration, as Attorney General of Pakistan, to affirm to the Court that ISI is an organ of the State of Pakistan. I make this Declaration based on personal knowledge as a member of the Executive Branch of our government charged with the duty of enforcing the laws of Pakistan.

3. ISI is part of the Federal Government of the Islamic Republic of Pakistan. ISI carries out a government function as a subdivision of the Government of Pakistan. ISI was established as an integral part of the federal government shortly after Pakistan achieved independence in 1947. Attached as Exhibit A is a redacted copy and translation of a letter dated 2 September 1948 regarding establishment of ISI as an organization of Government of Pakistan. It is not a separate corporate entity but rather exists and acts as part of the Government of Pakistan as a premier intelligence agency of Pakistan. ISI is funded, managed and supervised by the Government of Pakistan. The employees of ISI

are government servants, either civilian employees of the Ministry of Defense or members of the Armed Services of Pakistan. The ISI collects intelligence for safeguarding Pakistan's national interests and security concerns: ISI conducts no commercial activities of any kind.

4. The head of ISI is appointed by the Prime Minister. Defendant Lieutenant General Ahmed Shuja Pasha is its present Director General whereas Lieutenant General Nadeem Taj was its former Director General. They performed their duties at the direction of the federal government and in accordance with the policies of the federal government. Under principles of international law regarding the immunity of sovereigns and their officials from court proceedings in other nations which are recognized and accepted by the United States, this action cannot proceed against either ISI or its high officials.



Justice (r) Maulvi Anwar ul Haq
Attorney General for Pakistan
Government of Pakistan
Islamabad

Executed on 05-05-2011
Islamabad, Pakistan

MAULVI ANWAR-UL-HAQ
Attorney General for Pakistan
Government of Pakistan
Islamabad

EXHIBIT

A




No 16292/JS/Secy/2010
Ministry of Defence
(Defence Division)
Rawalpindi

Telephone : 9271121

20th Jan 2011

Subject:- Status of Inter Services Intelligence (ISI) Directorate

It is certified that the Inter Services Intelligence Directorate is under Ministry of Defence vide Government of Pakistan, Ministry of Defence letter no 2722 /123 / JI (X) dated 2 September 1948 (copy attached).


Capt (Retd)
(Tariq Masud)
Joint Secretary
Ministry of Defence

SECRET

EXTRACT FROM GOVERNMENT OF PAKISTAN MINISTRY OF DEFENCE LETTER

NUMBER 2722/123/JI (X) DATED 2 SEPTEMBER 1948

The Chief Secretary to the Govt of West Punjab, Lahore
The Chief Secretary to the Govt of Sind, Karachi
The Chief Secretary to the Govt of East Bangal, DACCA
The Chief Secretary to the Govt of NWFP, Peshawar
The Agent to the Governor General and Chief Commissioner in Balochistan, Quetta
The Private Secretary to H.E. The Governor of West Punjab, Lahore
The Private Secretary to H.E. The Governor of Sind, Karachi
The Private Secretary to H.E. The Governor of East Bangal, DACCA
The Private Secretary to H.E. The Governor of NWFP, Peshawar
The Inspector General of Police, West Punjab, Lahore
The Inspector General of Police, Sind, Karachi
The Inspector General of Police, East Bangal, DACCA
The Inspector General of Police NWFP, Peshawar
The Senior Superintendent of Police in Baluchistan, Quetta
The Inspector General and Secretary, Frontier Corps, Peshawar

INTER SERVICES INTELLIGENCE DIRECTORATE

Sir,

1. I am directed to inform you that an overall inter Services Intelligence organization for the Armed Forces of Pakistan has now been established under the Ministry of Defence.

2.	xx	xx	xx	xx	xx	xx
3.	xx	xx	xx	xx	xx	xx
4.	xx	xx	xx	xx	xx	xx
5.	xx	xx	xx	xx	xx	xx

6. In future all reports and correspondence on intelligence aspects concerning the armed forces should be addressed to the D of I with a copy to the respective Deputy Director.

I am, Sir
Your most obedient servant

(R. MILORY HAYES)
Deputy Secretary to the Government of Pakistan

SECRET

SECRET
No 2722/13/JI (X)

Copy of the above forwarded to:-

All Ministries of Government of Pakistan (One copy for each Division cabinet Secretariat,
The Secretary Constituent Assy, Private Secretary to the Governor General of Pakistan,
The Military Secretary y to the Governor General of Pakistan.

The D.I.S Karachi

The D.D.I Peshawar

The D.D.I Quetta

The D.D.I DACCA

The Flag Officer Commanding, Royal Pakistan Navy, Naval Headquarters, Karachi

The Commander in Chief, General Headquarters (Pakistan) Rawalpindi

The Air Commander, Royal Pakistan Air Force, Air Headquarters, Karachi

C.O.S

D.C.O.S

C.G.S 10 copies

R.S “

Q.M.G “

M.G.O “

M.S “

E in C 3 copies

C.O “

G.C E in C Bahawalpur State Forces, Sadiqgarh Place, Bahawalpur

The D.I.G CID, West Punjab, Lahore

The D.I.G CID Sind, Karachi

The D.I.G CID NWFP, Peshawar

The S.P CID Baluchistan, Quetta

SECRET