



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, New York 10007*

September 16, 2021

BY ECF

The Honorable George B. Daniels
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

The Honorable Sarah Netburn
United States Magistrate Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Havlish et al. v. Bin-Laden et al.*
No. 03 Civ. 9848 (GBD) (SN) – Potential Participation of
the United States Pursuant to 28 U.S.C. § 517

Dear Judge Daniels and Judge Netburn:

It has come to the attention of the United States that on September 13, 2021, the plaintiffs in the above-captioned matter served a Writ of Execution on the Federal Reserve Bank of New York, seeking execution of a judgment for \$7,045,632,402.79 on “goods and chattels of [t]he Islamic Republic of Afghanistan . . . which is the Taliban.” See Ex. A at 2 of 13 (the “*Havlish* Writ”). Exhibit C to the *Havlish* Writ states, *inter alia*: “The Taliban . . . claims ownership of, and control over, all property . . . belonging to the former government of the Islamic Republic of Afghanistan, including all assets belonging to the central bank of Afghanistan, Da Afghanistan Bank. As a result, the judgment entered against the Taliban which is now the Islamic Emirate of Afghanistan can now be enforced against any and all assets belonging to the government of Afghanistan, including any assets held at the Federal Reserve Bank in the name, for the benefit, or on the account of Da Afghanistan Bank, the central bank of Afghanistan.” *Id.* at 12 of 13, 13 of 13.

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On August 26, 2021, the plaintiffs in another matter pending in this district, *Doe v. The Taliban et al.*, No. 20 Misc. 740 (KPF) (the “*Doe Case*”), filed an “Emergency Motion for Writ of Execution” relating to a judgment against the Taliban and others, which the *Doe* plaintiffs obtained in the Northern District of Texas and registered here. *See id.*, ECF No. 15 (the “*Doe Motion*”); *see also id.*, ECF No. 7 (abstract of judgment). The *Doe Motion* seeks a writ of execution for \$138,418,741 against “the goods and chattels of [t]he Taliban, including the blocked assets of Da Afghanistan Bank held by the Federal Reserve Bank of New York.” *Id.*, ECF No. 15-4 (requested writ).

This letter does not constitute an opinion of the United States regarding the validity of the *Havlish* Writ, nor the merits of the *Doe Motion*. However, it appears that both the *Havlish* Writ and the *Doe Motion* may raise issues relating to the status and attachability of the funds identified in the Writ and in the Motion that may implicate the interests of the United States.

The United States is actively considering whether to file a Statement of Interest with respect to the *Doe Motion*, as permitted by 28 U.S.C. § 517. That statute authorizes the Attorney General of the United States to send any officer of the Department of Justice to “attend to the interests of the United States in a suit pending in a court of the United States, or in the courts of a State, or to attend to any other interest of the United States.” 28 U.S.C. § 517. The process for deciding whether to file a Statement of Interest involves coordination among interested government agencies and the approval of the U.S. Department of Justice through the Acting Assistant Attorney General for the Civil Division.

In the *Doe Case*, Judge Failla has permitted the United States to inform the Court by **October 14, 2021**, whether the United States intends to file a Statement of Interest. *See Doe Case*, ECF No. 19. Judge Failla has twice deferred consideration of the *Doe Motion* pending resolution of the United States’ potential participation. *See id.*, ECF Nos. 19, 21. Because the *Havlish* Writ appears to raise the same or similar issues that may implicate the interests of the United States, the United States respectfully requests that this Court likewise defer judicial enforcement of the *Havlish* Writ, including ruling on any turnover motion that the *Havlish* plaintiffs may file relating to the Writ, to afford the United States the opportunity to engage in its process of review and consultation. In the event the United States decides to file a Statement of Interest with respect to the *Doe Motion*, it will inform this Court as to whether the United States anticipates submitting any such Statement in this matter, as well. If the United States makes a decision regarding its potential participation before October 14, 2021, it will immediately so notify the Court.

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The United States appreciates the Court's consideration of this request.

Respectfully,

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Encl.