

EXHIBIT 2

Bolour / Carl Immigration Group, APC

Et al.

Plaintiff,

v.

Antony Blinken, Secretary of State

Et al.

Defendants.

Case No. _____

Affidavit of Barry Rosen

1. My name is Barry Rosen. I am a U.S. citizen, over the age of 18 years, and competent to testify as to the matter set out below.
2. I was the last American Press Attaché to Iran. I was posted in Iran in 1978. I would be held hostage and not released and returned to the U.S. until 1981.
3. On that rainy day in November, 40 years ago, when militants who saw themselves as the embodiment of Ayatollah Khomeini, the fundamentalist cleric who led the revolution to overthrow of the shah of Iran, climbed over the walls of the 26-acre U.S. Embassy in Teheran, I never would have thought that that incident would change my life forever.
4. I would spend 444 days from 1979 into 1981 held captive by an organized gang of terrorists who saw me as one of the “members of the nest of spies,” accusing me, the U.S Press Attaché, of setting up a network of spies, and threatening to put me on trial for “crimes” against the state. In fact, more than 40 years later, Iranian television is running a 43- part series called “Everlasting Days” (Ruzhay-e Abadi in Persian), portraying me as a devil-like figure working with the then Ambassador to Iran, William Sullivan, to dismantle the” Revolution.”

5. On the day when I was about to visit some Iranian reporters in the city of Isfahan, the storied home of one of the most outstanding architectural feats of Islam, I began my odyssey of physical and emotional torment that has not left me, even to this day.

6. After overrunning my office at about 10:30 in the morning, I pleaded with my captors to release my Iranian associates before I was tied up, with my hands behind my back and a blindfold over my head. I was then taken to the Ambassador's residence only minutes away from the chancery, where I experienced my first interrogation.

7. I wasn't surprised that one of the leaders was a young woman because many radical movements that supported the Ayatollah had many women acolytes. She was dressed in the mandatory revolutionary garb of a head scarf and long coat.

8. That young woman had an angry demeanor about herself and was aided by two young men, thugs, who ripped off my blindfold when transporting me to the residence. My interrogator began questioning me, both in English and Persian, and ordered me to tell her what I was doing at the Embassy and demanded that I open any safe found in or about the residence. I answered, in Persian, that I wouldn't comply since she and her comrades had violated the sanctity of the U.S. Embassy by unlawfully invading it.

9. At the time I had felt that I had to be strong and defiant, duty-bound to uphold the legitimacy and inviolability of the Embassy, and to resist any demands. After a few seconds, my interrogator, nodded her head and her two accomplices pummeled me in the stomach, knocking me to the ground, writhing in pain, gasping for a breath. Standing me up, the same questions were repeated. I remained silent and received another equally painful pummeling. Curled up in a fetal position, I expected another round of pain, but she surprised me by raising her voice, spitting out, "Velesh Kon," leave him be." I thought I had won a victory.

10. The next thing I knew, they put the blindfold back over my head, waited moments until I caught my breath, then dragged me into another room, tied me up with curtain ties, leaving me there for the rest of the day. Hours later, a friend and colleague, Thomas Schaefer, a Lt. Colonel,

and the Air Attaché, was lying next to me. We whispered about how Washington would react to violation of our lives, but then we fell into a deep sleep by dint of exhaustion, under a smashed window that let the cold air penetrate our bones.

11. This then was the beginning of my captivity. But things would get worse as time progressed.

12. At the start, we spent days in the reception room of the Ambassador's residence, which could be characterized as incessant control and an exercise in dehumanizing us.

13. Each of us, a little over 70 members of the Embassy, were scattered throughout the different buildings of the Embassy grounds. I guessed there were more than ten in the Ambassador's reception room, all blindfolded and tied hand and foot to chairs. The chairs faced the walls of the room, and we were ordered to grumble, yes grumble, as a signal to use the bathroom. When going to the bathroom we were untied and then, ordered to walk with, what felt like a gun or rifle barrel stuck to our backs. I distinctly remember being forced fed, something like Okra, which left me, even to this day, with a deep dislike for that vegetable. At times, I also recall swallowing slithery sardines, a staple of our diet.

14. This routine and our forced submission under total silence, only gave rise to strong feelings anomie and the slow but definite feelings of both anger and despair.

15. Once they organized themselves and us, our guards, who were either the original invaders of the Embassy or new recruits, put us into separate rooms/cells, where window light was blocked off and electric ceiling lights turned off. While living in darkness, we were arbitrarily put into these "cells," either in groups of four, two, or one, depending what information that thought they had learned about us after breaking into the Embassy saferoom.

16. While sometimes alone and sometimes in a small group, I was always guarded by one of the members of "Students Following the Line of the Imam," the terrorists, who in many ways, gave Ayatollah Khomeini, the authority to ramrod his vision of an autocratic theocracy.

17. I never knew what to expect, as shifts of guards entered my cell with weapons in hand, mostly with rifles of some sort. Gunshots were always going off and I was fearful that they were executing us, one at a time, but I later learned that the guards were novices, not familiar with the mechanism of these weapons, and this made the value of our lives much like Russian roulette.

18. There was a time when for whatever horrendous reason, most likely in an attempt to intimidate me as well as others, when they raided my cell, searching for what they thought was contraband. Dressed in black, head to foot, wearing masks, they seemed like crazed animals searching and scattering what little I had, tossing my thin sleeping mat against the wall, and pointing their rifles at me, squeezing their triggers, terrifying me at once and leaving me utterly devastated. They began to laugh out loud at my expense, as I realized that their guns weren't loaded. Enjoying the fact that they had frightened the life out of me, they exited the cell as quickly as they entered, leaving me in utter despair

19. On another bizarre and even more threatening episode my captors secreted a bunch of us away from the Embassy to safe houses, as their ace in the hole, in case there was an attempted rescue by U.S. military. These safe houses were those of the "taqtis," wealthy Iranians who left Iran and were scorned by the new regime. The first night we arrived, we were left on the cold, hard, marble floors, tied up as if we were sacks of potatoes, left to sleep where we were.

20. The next day I was marched into a room, by way of a winding staircase on the second floor of what seemed like an expansive house. Once in the room I was given tea and bread, the usual breakfast fare. Within minutes, the same guard walked through the door with a handwritten note that read like an admission of guilt, spying against the "Engelab," the revolution, by setting up a network of Iranian traitors whose job was to infiltrate the newspapers of the country and propagandize against the new Islamic state. In other words, I was accused of being a "spy and plotter" and I had to admit it and sign the document, which also included a threat to put me on trial for my crimes.

21. I refused to sign what seemed to me as a death sentence and I responded to the guard that an admission of guilt was against the Geneva Accords, and therefore I wouldn't put my name to the paper.

22. About a half an hour later, the guard returned with a blindfold, which he tied over my eyes, and then led me down that winding staircase, and at the landing he pulled the blindfold off. Though I expected some retribution, I didn't expect what faced me.

23. There, I faced a gauntlet of armed guards with Arab-like Keffiyehs wrapped around their heads, covering their faces, except for slits for their eyes. They stood at attention in two rows. I was then marched to an ornate desk in the midst of the gauntlet, and pushed down into a chair, staring at who I presumed was the lead interrogator. This young man, unshaven and heavy-set, grimaced and gave me two choices. He said, either I sign the document admitting my guilt or he would count to ten, and if I didn't put my name to the document, he'd order "that guard," he said, "to shoot me in the head."

24. Trembling and dumbfounded, in shock, I tried as hard as I could to pull myself together, as my interrogator began his count. Momentarily, I thought about Barbara, my wife, and my little children, Alexander and Ariana, and believe or not, about my duty to my country, all within a matter of perhaps a second or two and then reflexively signed the admission of guilt. I was then blindfolded once more and taken back up the staircase only to be plopped down on the floor of my cell.

25. I couldn't think or care about anything except the nagging feeling of guilt that I betrayed my country. I was emotionally drained and carried that guilt all through my captivity. I wanted to honor my pledge to the Foreign Service. But, in my mind, I didn't.

26. That type purposeful terror was a constant in captivity and its continuity made for ongoing hypervigilance on my part that translated into a fear of going to sleep, that kept me up all the time, even when exhausted. It also meant that I began to startle when there was a sudden and even benign sound wafting through our cellblock, at any and all times. What was happening

was an inexorable move from anxiety to fear, from fear to low-grade depression, from low-grade depression to profoundly deep depression. There was no way to get any relief, and my depression was exacerbated by incessant acts of inhumanity by my captors, who though they always maintained they were the civilized ones, the “batamedun,” and we Americans were the “Vashi,” the wild animals,” their true colors were out there in real life.

27. As hours passed into days and the days into months, all without any glimmer of hope, as we were moved from one safe house, living in darkness, to another with our hands tied so that they became numb, and finally to the dreaded maximum security, Evin prison, where for six months I existed in a walled gray cell with bars up the wall and cameras in the bathrooms to watch my every move, I said to myself, “will this ever end.”

28. I lost myself, my self-confidence, and I turned into an automaton. Seething but unable to express my hatred for them, Iranians, who I cared for as far back when I was a Peace Corps volunteer in Iran, from 1967-69, the country I called, “my second home,” had become my literal prison.

29. In the long months of captivity, whether in the Embassy or moved from one hole to another all over Iran and then into Evin, I had only seen the open air for 20 minutes. I missed smelling and breathing the freshness of a morning and looking at a blue sky, yes really seeing grass, picking up individual blades, and putting them into my filthy and worn pants pockets. After that taste of freedom, I wanted to scream, “Let me go.”

30. But that didn’t happen until many months later. In fact, on the evening before our release, of which were not aware of, I came face- to-face with the young woman who was known by Americans as “Mary,” the visible spokesperson of the student militants, who was dressed in the *de rigueur* outfit of headscarf and long coat. She had been using her excellent English language skills to spout propaganda and to defend the illegal takeover of the U.S. Embassy, whether on American, international, and Iranian television networks.

31. I didn't know how important she had become, nor did I know anything about her, but I distinctly remember her voice, her facility with English, and her dismissive and her attempted ingratiating manner, while pushing her notion that, "You were treated in a very humanitarian way while you stayed with us in Iran."

32. I realized at that moment that Mary, (whose real name I now know is Massoumeh Ebtekar, the current Vice President of Women's Affairs in Iran) was attempting to convince me, but really her international audience, that our entire imprisonment was "a walk in the park" and really the fault of the U.S., who was the "corrupt on earth."

33. While television cameras were rolling, I finally got my old voice and courage back, and I replied in Persian so that the Iranian audience could get my words exactly as I spoke to them, that "You can do whatever you want with me, but I will never say you treated us well. You are lying to me, to the Iranian and American people. We were treated like dirt." With that, she rose up from her chair and told the television crew to stop filming. She said, "it's over."

34. I didn't know whether I had literally cut my own throat, but I was willing to take the chance that the U.S. government would never agree to any settlement with Iran, which would now include me, even if those thugs despised me for turning the tables on them.

35. For all too long, I kept my pent-up emotions to myself, only to fall victim to a deep depression and PTSD, a diagnosis made by American military psychiatrists, on the same day that we flew to freedom from Teheran to Wiesbaden, Germany, on January 20, 1981.

36. For the last 40 years I have suffered from bouts of depression and PTSD, that come and go and sometime stay for days, and at other times for months, and even years, whereby something triggers the feelings of captivity and repression, and then I go into a swirl of emotions that leads me down a path to seek protection, and so I stay indoors, and if I attempt to go outside, my heart beats a mile a minute, and I lose myself, feeling endangered to the extreme.

37. It's at these times, that my wife Barbara, becomes my guide and walks with me in a slow and measured pace. I resist and ask to go back indoors. When these periods of PTSD arise, and they often do, I work with a psychiatrist who is especially credentialed to those individuals who fall victim to PTSD. He is designated to treat those firemen of the NYCFD, who suffered through 9/11 with PTSD. Two years ago, he and I agreed to move on to the most advanced therapy for those patients that find no relief from any anti-depressants, of which I am. The treatment is called Transcranial Magnetic Stimulation (TMS), and it works by invigorating areas of my brain that are underactive during depression.

38. This new therapy called for daily visits to a medical facility and lasted for at least two months. It has given me the relief I've been seeking for decades, but I continually work with my psychiatrist as well, and not take anything for granted. I have been lucky that I have a loving family, my wife Barbara, and my two grown children and my five grandchildren. While we don't talk much about captivity and the aftermath, they have been there for me, whether in moments of deep stress and deep joy.

39. So, Iran and my captivity are never far from me, but at age 77, I have come to terms with a trauma that has been life changing and an ongoing challenge that I face on a daily basis. What is most difficult for many of us who fell victim to Iran's "hostage diplomacy," is the fact that the world is not ready to hear about what really happens to a person who is held hostage, demeaned, and tortured, physically and mentally. The world can't abide the truth of the full meaning of captivity and what happens to that person who is held under extreme duress and returns home as a "hero." The problem is that the hero is a human being and he or she will most likely go through a world of hurt that both the public, relatives, and friends will never know or see in their lifetimes.

I swear under penalty of perjury under the laws of the United States that the above statements are true and correct to the best of my knowledge.

Dated this 11th day of May, 2021.


Barry Rosen