

### **Da Afghanistan Bank Holdings and Taliban Judgments**

As many of you know from recent press accounts, the Biden Administration announced on Friday its position regarding the \$7 billion in assets held by the Afghan Central Bank (Da Afghanistan Bank, or DAB). Contrary to much of the reporting, the Statement of Interest that the Department of Justice (DOJ) filed does not release half of those funds to 9/11 families or other victims of terrorist attacks.

Rather, the DOJ took the position that the availability of the remaining \$3.5 billion to satisfy judgments held by 9/11 family members should remain frozen and any distribution would have to be litigated in court, with several legal issues presenting potential barriers to accessing those funds. Among those legal issues is the question of whether a judgment against the Taliban, obtained when it was a foreign terrorist organization and not the leader of a foreign sovereign nation, can be enforced against DAB assets; and whether a judgment against a regime, such as the Taliban, can be enforced against the state (that is, Afghanistan). Other open questions concern the ownership of the DAB property (is it owned by the regime or the nation-state) and the attachability of assets of a nation that has not been designated an official state sponsor of terrorism (such as Afghanistan).

It is likely that the process to resolve these questions will be lengthy and complicated. We sued the Taliban on behalf of those killed in the 9/11 terrorist attacks in our original 2002 complaint, and obtained a liability judgment against the Taliban in 2006, with our request for monetary damages for those killed in the 9/11 attacks still pending.

While a group representing the families of a small number of those killed in the 9/11 terrorist attacks have asked the Court allow them to proceed with a writ against the DAB assets for their clients, on behalf of all of the 9/11 Families we have asked the Court to extend the current stay preventing anyone from accessing those DAB funds while all parties have an opportunity to address the issues that the DOJ raised in its Statement of Interest.

We are disappointed that the DOJ did not take action that would have made these assets available to the 9/11 Families immediately and on an equitable basis and we are continuing to work with our lobbying team and reaching out to law and policy makers to urge them to do so now. As there are further developments on this issue, we will continue to provide you updates.