

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES OWENS, et al.

Plaintiffs,

v.

TALIBAN a/k/a ISLAMIC EMIRATE OF
AFGHANISTAN

Defendant.

Civil Action No. 22-cv-01949 (VEC)

AMENDED CERTIFICATE OF SERVICE BY PUBLICATION

I, Matthew D. McGill, hereby certify as follows.

1. I am an attorney duly licensed to practice law in the State of New York and am admitted to the bar of this Court. I am a partner at Gibson, Dunn & Crutcher, and counsel for Plaintiffs in the above-captioned matter.

2. In March 2022, Plaintiffs initiated this lawsuit against the Taliban for its involvement in the 1998 embassy bombings in Kenya and Tanzania. Shortly thereafter, Plaintiffs obtained an *ex parte* order of prejudgment attachment under Federal Rule of Civil Procedure 64 and New York Civil Law and Practices Rules § 6211. That order attached funds held in the name of Da Afghanistan Bank (“DAB”) at the Federal Reserve Bank of New York. Dkt. 33.

3. After multiple unsuccessful attempts to effectuate service of process on the Taliban, and in advance of filing a motion to confirm the *ex parte* order of prejudgment attachment, Plaintiffs moved for an *ex parte* order authorizing alternative service on the Taliban and DAB and for an extension of time to serve their confirmation motion. Dkt. 43.

4. On May 2, 2022, the Court granted that motion and issued an order authorizing service on the Taliban and DAB via Twitter, through communications to the Twitter accounts of

various Taliban and DAB officials, and by publishing a weekly notice for four consecutive weeks in *Al-Quds Al-Arabi* and *The New York Times*. Dkt. 46, at 2–3. The order instructed Plaintiffs to include in their published notice “a URL to a website with easily accessible online versions of the materials required to be served.” Dkt. 46, at 2. The court further ordered that service via Twitter and email be completed by May 2, 2022, and the service via publication be completed within 60 days of the issuance of the order. Dkt. 46, at 2–3.

5. This certificate of service and the attached exhibits document steps taken to serve the following documents on the Taliban and DAB: Plaintiffs’ complaint, summons, notice of initial pretrial conference, the order of attachment, and the motion to confirm the order of attachment and supporting materials.

6. As previously certified, *see* Dkt. 47-2, on May 2, 2022, Plaintiffs served the Taliban by providing notice in English and Pashto to the Twitter accounts of Abdullah Azzam (@Abdullah_azzam7), secretary to Taliban’s acting first deputy prime minister Abdul Ghani Baradar; Mohammed Naeem (@IeaOffice), a Taliban political spokesman; Abdul Qahar Balkhi (@QaharBalkhi), a spokesman for the Taliban’s Ministry of Foreign Affairs; Zabiullah Mujahid (@Zabehulah_M33), a Taliban spokesman; Qari Yousaf Ahmadi (@QyAhmadi21), a Taliban spokesman; and Suhail Shaheen (@suhailshaheen1), the Taliban’s permanent representative-designee to the United Nations. The notice provided a brief statement of the nature of the action and the relief sought, including the amount of prejudgment attachment, along with a link to a website (eastafrikaembassybombingvictims.com) containing online versions of all of the materials being served. Attached as **Exhibit A** are true and correct copies of screen captures of the notice sent to these Twitter accounts on May 2, 2022.

7. As previously certified, *see* Dkt. 47-2, on May 2, 2022, I served DAB by sending notice of suit in English and Pashto to the Bank’s official email account, info@dab.gov.af, and attaching the order of attachment, confirmation motion, and supporting materials. I also provided notice in English and Pashto via Twitter to the Bank’s official Twitter handle, @AFGCentralbank. Attached as **Exhibit B** are true and correct copies of the emails sent to info@dab.gov.af on May 2, 2022. Attached as **Exhibit C** is a true and correct copy of a screen capture of the notice sent to @AFGCentralbank on May 2, 2022. The notice sent to DAB via email and Twitter provided a brief statement of the nature of the action and the relief sought, including the amount of prejudgment attachment, along with a link to a website (eastafrikaembassybombingvictims.com) containing online versions of all of the materials being served.

8. In compliance with the Court’s instruction that Plaintiffs publish a “website with easily accessible online versions of the materials” to be served, I certify that Plaintiffs created the website: eastafrikaembassybombingvictims.com, which contains the following notice in English, as well as a translation in Pashto:

To the Taliban and Da Afghanistan Bank: Plaintiffs James Owens et al. (“Plaintiffs”) have filed suit against the Taliban in the United States District Court for the Southern District of New York, Case No. 22-cv-1949, *James Owens et al. v. Taliban a/k/a Islamic Emirate of Afghanistan*, for its role in perpetrating the 1998 bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania by providing material support to al-Qaeda and Osama Bin Laden. To secure their claims, Plaintiffs have obtained a prejudgment order of attachment against the Taliban in the amount of \$4,669,011,012.21, plus prejudgment interest. Of that amount, \$1,373,761,042.95, plus prejudgment interest, which represents Plaintiffs’ compensatory damages, has been levied against assets of Da Afghanistan Bank held in the Federal Reserve Bank of New York. Pursuant to Federal Rule of Civil Procedure 64(a) and N.Y. C.P.L.R. §§ 6201, 6211, and 6212, Plaintiffs seek to confirm the order of attachment. This is a notice that the complaint, summons, notice of initial pretrial conference, order of attachment, and motion to confirm the order of attachment have been filed.

9. The website eastafricaembassybombingvictims.com also contains PDF files, in both English and Pashto, of all materials required to be served, including the complaint, summons, notice of initial pretrial conference, order of attachment, and the motion to confirm the order of attachment and supporting materials.

10. Attached as **Exhibit D** is a true and correct copy of a screen capture of eastafricaembassybombingvictims.com, captured on June 8, 2022.

11. I further certify that I have served these materials via publication by publishing a weekly notice for four consecutive weeks, according to the manner provided in CPLR Rule 316 and as required by the Court's May 2, 2022 order, in *The New York Times* and *Al-Quds Al-Arabi*. This notice contained a brief statement of the nature of the action and the relief sought, including the amount of prejudgment attachment, along with a URL to a website (eastafricaembassybombingvictims.com) containing online versions of all of the materials being served.

12. In accordance with CPLR § 6213, the first publication in *The New York Times* and *Al-Quds Al-Arabi* occurred on May 18, 2022, within 60 days after the Court granted the *ex parte* order of prejudgment attachment on March 21, 2022. Subsequent publications occurred on May 25, 2022, June 1, 2022, and June 8, 2022.

13. As documented below, and in the attached exhibits, English notices were published in the *New York Times* on May 18, 2022, May 25, 2022, June 1, 2022, and June 8, 2022.

14. Attached as **Exhibit E** is a true and correct copy of a sworn affidavit by a Principal Clerk of the Publisher of the *New York Times* concerning the May 18, 2022, publication of Plaintiffs' notice. Attached as **Exhibit F** is a true and correct copy of the notice as printed in the newspaper.

15. Attached as **Exhibit G** is a true and correct copy of a sworn affidavit by a Principal Clerk of the Publisher of the *New York Times* concerning the May 25, 2022, publication of Plaintiffs' notice. Attached as **Exhibit H** is a true and correct copy of the notice as printed in the newspaper.

16. Attached as **Exhibit I** is a true and correct copy of a sworn affidavit by a Principal Clerk of the Publisher of the *New York Times* concerning the June 1, 2022, publication of Plaintiffs' notice. Attached as **Exhibit J** is a true and correct copy of the notice as printed in the newspaper.

17. Attached as **Exhibit K** is a true and correct copy of a sworn affidavit by a Principal Clerk of the Publisher of the *New York Times* concerning the June 8, 2022, publication of Plaintiffs' notice. Attached as **Exhibit L** is a true and correct copy of the notice as printed in the newspaper.

18. As documented below, and in the attached exhibits, notices were published in *Al-Quds Al-Arabi* on May 18, 2022, May 25, 2022, June 1, 2022, and June 8, 2022.

19. Attached as **Exhibit M** is a true and correct copy of a sworn declaration by Pat Sundram, the Business Manager and Company Secretary of *Al-Quds Al-Arabi*, concerning the May 18, 2022, May 25, 2022, June 1, 2022, and June 8, 2022 publications of Plaintiffs' notice in *Al-Quds Al-Arabi*, which contains true and correct copies of the notices as printed in the newspaper.

20. Because *Al-Quds Al-Arabi* is an Arabic newspaper, the notice was translated into and printed in Arabic. Attached as **Exhibit N** is certified translation of the notice from English into Arabic.

* * *

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 15, 2022
New York, NY

/s/Matthew D. McGill
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