

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED NATIONS on behalf of the  
INDEPENDENT INQUIRY COMMITTEE  
INTO THE UNITED NATIONS OIL-FOR-  
FOOD PROGRAMME

Plaintiff,

v.

ROBERT H. PARTON

Defendant.

No. 1:05CV00917 RMU

**DECLARATION OF ROBERT HAYES PARTON**

I, Robert Hayes Parton, pursuant to 28 U.S.C. §1746, declare:

1. I am the defendant in the above-referenced matter and I make this declaration on personal knowledge and in opposition to the Emergency Motion to Modify Temporary Restraining Order (the "Motion") filed on behalf of the Independent Inquiry Committee into the United Nations Oil-for-Food Programme (the "IIC").<sup>1</sup>

2. From August 2004 until April 12, 2005, I worked as Senior Investigative Counsel to the IIC. From 1996 until I began working with the IIC, I was a Special Agent with the Federal Bureau of Investigation and, for the last four years, a member of the FBI's Hostage Rescue Team. Prior to joining the FBI, I practiced law at a private firm.

3. At the IIC, I was responsible for the area of the investigation relating to the

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<sup>1</sup> The IIC is led by three committee members: Mark Volcker, Richard Goldstone, and Mark Pieth (the "Committee"). The Committee is supported by an Executive Director and Committee Counsel. All other employees are members of the investigative staff.

United Nations' procurement of contractors under the Oil-for-Food Programme ("OFFP") and those companies' performance of their contractual obligations. I also was in charge of the investigation into allegations concerning the Secretary General of the U.N., Kofi Annan, and his son, Kojo Annan, who worked for a company that was selected by the UN as a contractor for the OFFP. These subjects, among others, were addressed in the two interim reports of the IIC, which were publicly released on February 3, 2005 and March 29, 2005.

4. The Motion asserts that the IIC should be permitted immediate access to all materials that I produced under subpoena to the House Committee on International Relations on the grounds that such access is necessary to protect the IIC's process and individuals with whom the IIC entered into Confidentiality Agreements providing that the individuals' identities would not be disclosed. Contrary to the irresponsible public statements by the IIC that my production of materials to Congress jeopardizes witnesses' lives, I do not have information of the sort suggested by the IIC. More importantly, I have consistently maintained the confidentiality of all investigative materials that I obtained during the course of my work for the IIC.

5. I formally resigned my position with the IIC on April 12, 2005. When I resigned from the IIC, I made no public statements about my resignation and declined to comment about the reasons for my departure in response to any media inquiries. Although Susan Ringler, Committee Counsel to the IIC, had agreed prior to my departure that the IIC would consult with me prior to making any public statements about my resignation, on April 21, 2005, without any prior notice to me by the IIC, Mark Pieth, one of three IIC Committee members, publicly confirmed in an interview that I had resigned because of disagreements with the IIC's published conclusions. While I did not agree with everything Mr. Pieth told the press and was unhappy that the IIC had not kept its promise to consult me prior to discussing my resignation publicly,

Mr. Pieth's statements generally were accurate, although incomplete, and I continued to decline to comment to the media.

6. On the following day, however, another Committee member, Richard Goldstone, went on television and denied Mr. Pieth's account, stating that I in fact had left because my work was complete. That statement was untruthful, and gave rise to intense media and Congressional interest in my resignation, much of which was directed at me. To correct Mr. Goldstone's statement, I confirmed publicly that I had resigned on principle, and made no further comment on my work at the Committee or the reasons for my departure at that time.

7. The Committee's conflicting public statements triggered requests from several Congressional subcommittees seeking interviews and information from me. I declined all of those requests and refused to speak voluntarily about my work for the IIC. As a result, I have received subpoenas from three Congressional committees demanding testimony and documents.

8. When I left the IIC, I retained my copies of certain materials pertaining to my area of the investigation because of my concern that the investigative process and conclusions were flawed. Although I sought to avoid any public discussion of these issues, I had repeatedly voiced my concerns internally to the IIC and wanted to retain a record of my efforts so that, if it ever became necessary, I could establish that I was not associated with the path the IIC Committee chose to take and I could be in a position to defend myself against risks that I knew existed as a result of the IIC's actions. Other than in response to the House International Relations Committee subpoena, I have not disclosed any of those materials or their contents to anyone but my counsel. I do not have any original IIC records. In the course of my work at the IIC, I created files for the IIC's records containing the investigative record of my work. I left those files at the IIC when I resigned, as I stated at the time of my departure.

9. Neither my areas of the investigation, nor any materials that I retained, relate to sources in Iraq who have Confidentiality Agreements with the Committee, and I have no documents identifying such sources.

10. In fact, the materials that I retained and provided to Congress under the Subpoena do not identify anyone whose identity is currently protected by a Confidentiality Agreement with the IIC. As to the one individual with whom I worked who had such protection, and from whom I had obtained evidence concerning conversations with the Secretary General, the IIC violated his Confidentiality Agreement during the course of the investigation. Without my knowledge or that of the witness, and in violation of the Confidentiality Agreement, members of the Committee provided the name of the witness – and the substance of his statements – to the Secretary General and his counsel during the investigation. In addition to compromising the integrity of the ongoing investigation, I believed that the Committee members' acts created the risk that I would be personally charged with violating the confidentiality commitment that I made to the witness – a commitment I made with the full knowledge and authority of the Committee. I was not involved in the decision to disclose a confidential witness to the Secretary General. When I learned of it after the fact, I advised members of the Committee of my serious concerns with the impropriety of their actions. I also advised Susan Ringler, Committee Counsel, that the IIC's confidentiality commitment had been breached. Ms. Ringler acknowledged the breach, but took no action to advise the witness of the breach or otherwise to seek to protect him. Ironically, given the nature of the allegations made against me in this case, I retained documents relating to this issue so that I could defend myself if ever charged with the actions that the IIC took in violation of its Confidentiality Agreement with that witness.


11. Unlike the IIC, I have at all times taken every measure to protect the

confidentiality of any sensitive information obtained in the course of my investigative work. When I received a subpoena for documents from the House Committee on International Relations, I refused to comply with the subpoena absent an agreement protecting the confidentiality of any sensitive information in my files. A copy of that agreement is attached as Exhibit A. Pursuant to that agreement, my counsel has undertaken to painstakingly redact every name appearing in the documents except those that were publicly disclosed in the above-described reports, including redacting the names of the entire investigative staff of the IIC. It is also my understanding that the individuals who are permitted to review any documents containing sensitive information pursuant to that agreement are members of the House International Relations Staff who have “Top Secret” or greater security clearances. As indicated in Exhibit A to this declaration, those individuals are not permitted to take notes, make copies of, or publicly disclose sensitive information contained in the materials. In response to the Subpoena, I produced all of the materials relating to the IIC that I retained after my resignation.

12. Other than to publicly attack my character, the Committee has offered nothing to suggest that the identities of any confidential sources have been disclosed to anyone by me or on my behalf. In fact, I have not provided IIC-related materials to anyone except as described above, and I will abide the Court’s direction as to whether or not I must testify or produce documents in response to the outstanding Congressional subpoenas that I have received.

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

Executed on May 14, 2005.

  
Robert Hayes Parion

# **EXHIBIT A**

COMMITTEE  
CHAIRMAN  
INTERNATIONAL RELATIONS  
JUDICIARY

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-1306

May 4, 2005

**AGREEMENT BETWEEN THE  
HOUSE COMMITTEE ON INTERNATIONAL RELATIONS  
AND  
ROBERT PARTON**

We, the undersigned, agree with regard to the subpoena duces tecum served upon Mr. Robert Parton by the U. S. House of Representatives, Committee on International Relations, on April 29, 2005, as follows:

- 1) Mr. Parton will comply fully with the subpoena on this date.
- 2) The Committee on International Relations will take custody of said documents and house them in a secure location [Room 253 in the Ford House Office Building].
- 3) Mr. Parton and his counsel will have access to all documents produced pursuant to the subpoena.
- 4) Mr. Parton and/or his counsel may remove from the secure location any documents deemed by Mr. Parton and/or his counsel to be non-responsive to the subpoena. In the event of documents that contain both responsive and non-responsive information, Mr. Parton and/or his counsel shall redact the non-responsive information and provide to the Committee only the responsive portions of such documents.
- 5) "Sensitive Information": With respect to responsive information that contains sensitive identities or other sensitive personal information, including but not limited to the identities of the Independent Inquiry Committee Staff ("Sensitive Information"), Mr. Parton and/or his counsel will redact Sensitive Information from such documents and will provide the Committee with both redacted and unredacted versions of the responsive documents that contain Sensitive Information.
- 6) Unredacted copies of documents containing Sensitive Information retained by the Committee shall be labeled "Confidential" and shall be segregated, stored and reviewed in a secure location (as previously defined in Paragraph 2) in the Ford House Office Building.
- 7) No notes may be taken, or copies made, of Sensitive Information, and Sensitive Information will not be disclosed to any other party except pursuant to the Rules of the

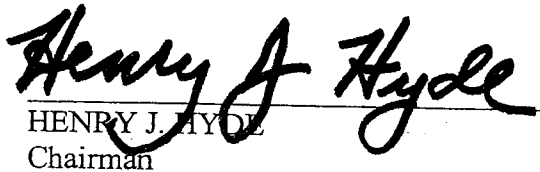


House but under no circumstances shall Sensitive Information be publicly disclosed. In the event of a decision to make any public disclosures of non-Sensitive Information, Mr. Parton's counsel will be notified of which such documents will be disclosed within no less than 24 hours prior to such disclosure.

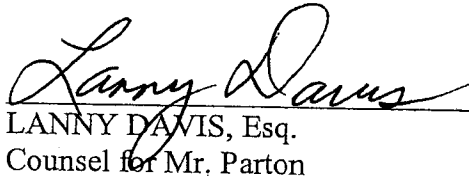
8) No Congressional staff may have access to Sensitive Information except for those staff members designated by the Chairman or the Ranking Minority Member and disclosed to counsel for Mr. Parton.

9) The Committee shall not use directly or indirectly any Sensitive Information without first consulting with Mr. Parton and his counsel. Any disagreement regarding the use of such information shall be decided by the Chairman after consultation with counsel for Mr. Parton.

10) Mr. Parton and his counsel will use their best efforts to review the documents to determine which if any documents are subject to redaction or removal within 5 business days of this Agreement.



HENRY J. HYDE  
Chairman



LANNY DAVIS, Esq.  
Counsel for Mr. Parton

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**DECLARATION OF JOSHUA P. GALPER**

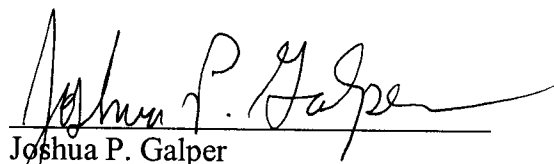
I, Joshua P. Galper, pursuant to 28 U.S.C. §1746, declare:

1. I am a member of the bar of this Court, and associated with the law firm Orrick, Herrington & Sutcliffe LLP, attorneys for defendant Robert Hayes Parton in this action. I submit this affidavit on personal knowledge and in support of defendant's Opposition to the Emergency Motion to Modify Temporary Restraining Order (the "Motion") filed on behalf of the Independent Inquiry Committee into the United Nations Oil-for-Food Programme (the "IIC" or the "Committee") with respect to certain materials provided by defendant to the House International Relations Committee.

2. My understanding is that the House International Relations Committee has advised the IIC that it intends to make arrangements to provide the IIC access to the materials provided to it by Mr. Parton.

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

Executed on May 14, 2005.

  
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Joshua P. Galper