

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Golden Gate Yacht Club	Plaintiff,
v.	
Societe Nautique de Geneve	Defendant,
Club Nautico Espanol de Vela,	
	Intervenor-Defendant.

Index No. 602440/07

**AFFIDAVIT OF
GRAEME GIBBON
BROOKS**

GRAEME GIBBON BROOKS hereby deposes and says:

1. I am over 18 years of age and am a citizen of Great Britain. I am the Managing Director of Dryad Maritime Intelligence Service, a world-wide commercial intelligence company that specializes in providing systematic analysis and threat assessments concerning maritime terrorism, piracy, and human trafficking. Previously, I served in the British Royal Navy for 16 years as a Mine Clearance Diver and Above Water Warfare Officer. I also conducted research for the Royal Navy into the nature of the threats posed by water-based terrorism, piracy, and human trafficking. Frequently in the last 2 years I have provided specialized subject matter expertise in these areas to international media organizations, including CNN, The BBC, Sky News, Al Jazeera and CBS as well as providing routing and counter piracy and terrorism advice to the Volvo Ocean Race in 2008.

2. I have extensive experience in the Middle East and East Africa, having been involved in maritime security in those regions for over 6 years. Dryad Maritime Intelligence Service has extensive experience with providing threat assessments for the Middle East/United Arab Emirates region. Dryad Maritime has numerous contacts, expert in the region, and I have conferred with those individuals on this matter.

3. The risk presented by conducting the America's Cup match off the waters of Ras al-Khaimah in February 2010 are two-fold -- one being event driven risk and the second the risk of decentralized action. I will discuss each of these in turn.

4. Event driven risk is the risk created by holding an event entitled the "*America's Cup*" in February 2010 involving an American owned vessel, named USA and bearing an American flag, in the center of a flotilla of logistical chase boats, media coverage boats and spectator boats. The first scheduled match race of February 8, 2010 is only 43 days after the December 10, 2009 deadline set by the UN for the inspection of Iran's newly disclosed nuclear site AND that Iran proves that their nuclear programme is peaceful. If these conditions are not met then UN sanctions or even a unilateral Israeli air strike (probably non-nuclear) are likely. Washington is likely to take a lead role in mandating this deadline, and is likely to head negotiations to seek sanctions if Tehran fails to comply. This creates a real, but currently an unquantifiable, geopolitical risk in the general area surrounding the race course and it exposes the America's Cup match to the risk of becoming a proxy for a conflict between Washington and Tehran.

5. Relations between Israel and Iran are extremely tense. A related event driven risk is the potential for escalation of tension between Israel and Iran over any potential reduction of pressure on Iran to comply. It is considered likely that if Israel is not satisfied with the outcome of the UN conditions, that the delay could precipitate unilateral Israeli airstrikes. Added to this tense situation, the threat of attack on Israel and Iranian goading climaxes during Jewish holidays which are perceived to be an optimum time to strike Israel. The initial race of the America's Cup event is being held only 9 days after the Jewish holiday of Tu Bishvat and so the timing could potentially be very poor indeed. The customary American sympathy for Israel could make

the Americas Cup race a convenient target for action by Iranian Governmental action or even al-Qaida franchised terrorism.

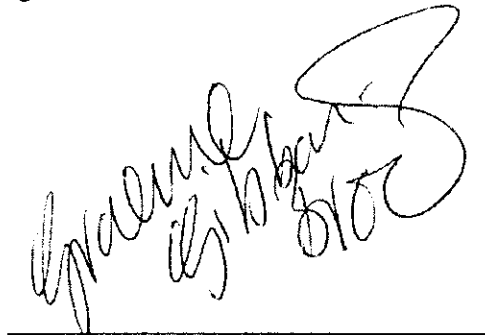
6. Additional risk comes from decentralized action by either an Iranian Guard Corps Navy commander or an independent Islamic Fundamentalist terrorist cell. While the Sheiks of the United Arab Emirates (“UAE”) have locked down their population to create a low risk of land based attacks from within the UAE, that does not address decentralized actors outside of the UAE’s population control apparatus. Al-Qaida conducts operations from the bottom-up, in which cells act independently to launch an attack without any centralized instructions or guidance. The central figures learn of and declare al-Qaida’s affiliation for an attack only after it has occurred. A real but unquantifiable risk is that an al-Qaida cell perceives the America’s Cup event as an opportunity for a high visibility strike on a Western target in their own backyard. This allows them to strike with little know-how or resources [hence creating an asymmetric risk in which the America’s Cup competitors and participants are exposed to significant risk while the terrorist cell bears little risk.] The risk of such an attack on the water is especially pronounced where terrorist cells could launch a water bourne attack from an adjacent territory, such as the Iranian island of Abu Musa which is only 32 nautical miles away from UAE Mainland and as little as 17 nautical miles from the race area.

7. The most likely risk from decentralized action is that an Iranian naval commander on one of the Iranian islands that surround the race course area would unilaterally decide to stop and detain a competitor, media or spectator vessel and their passengers for questioning or detention. The resulting international media event would probably prompt the Iranian government to support the actions of the Iranian vessel commander. This risk exists because the race course for the next America’s Cup match abuts Iranian waters and an Iranian commander

could readily argue that it is within his jurisdiction to detain boats outside or even inside the race course. An illustration of this risk occurred in March 23, 2007 when the Iranian navy in the Northern Arabian Gulf stopped, under threat of 50 caliber machineguns, and boarded two small British Royal Navy boarding team boats and then detained their 15 sailors for 12 days. The Iranian navy argued it was within its right to detain the British sailors, claiming falsely that they were inside Iran's Territorial Waters. I have direct knowledge of this incident as I was the gunnery officer of the previous Frigate operating her boats in the area.

8. In my professional opinion none of the above detailed risks would exist were the America's Cup event held in Valencia, Spain.

9. I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read 'Graeme Gibbon Brooks', written over a horizontal line.

Graeme Gibbon Brooks