



**GOLDEN GATE YACHT CLUB**  
#1 Yacht Road, San Francisco, California USA 94123

October 15, 2009

Le Comité Central  
Société Nautique de Genève  
Port Noir  
CH-1223 Coligny  
Switzerland  
Société Nautique de Geneve

Mr. President and Members of Le Comité Central,

**33<sup>rd</sup> America's Cup Venue**

I write to the Société Nautique de Geneve as Trustee/Defender of the America's Cup on behalf of Golden Gate Yacht Club, Challenger of Record for the 33<sup>rd</sup> edition, and our representative team BMW ORACLE Racing.

As custodian of this unique and historic trophy, your Club has many responsibilities. As Trustee under the Deed of Gift, SNG also holds a duty of care, and consequent liability, to all participants in the 33<sup>rd</sup> Match.

GGYC is considering filing a complaint with the New York Courts on the grounds of breach of fiduciary duty because of your Club's actions over the past five years. Your selection of the venue for the 33<sup>rd</sup> America's Cup would form part of that claim.

As Trustee, SNG has the power and duty to choose the venue for the 33<sup>rd</sup> Match. Under New York law, this duty cannot be delegated. It is a clear and inescapable responsibility. This duty lies with your Club – not with Alinghi, ACM, or Mr. Bertarelli.

SNG has announced Ras Al Khaimah as your choice of venue for the 33<sup>rd</sup> Match, and I am taking this opportunity to urge you to reconsider that choice in respect of your duty and responsibility as Trustee.

As to the suitability of Ras Al Khaimah, please take the time to read the following articles that are freely available:

- Sheikh Khalid Bin Saqr al Qasimi, said this when a Ras Al Khaimah-connected terrorist cell, planning attacks on major tourist hotels in Dubai, was arrested:

*"The fact that the terrorist cell was linked to Ras Al Khaimah is the latest evidence that the close ties between the current regime in Ras Al Khaimah and Iran is not in the best interests of Ras Al Khaimah or the United Arab Emirates."*

<http://www.reuters.com/article/pressRelease/idUS158304+18-Sep-2009+PRN20090918>

- Sheikh Khalid Bin al Qasimi's address to lawmakers in Washington was reported in the New York Post:

[http://www.nypost.com/p/news/international/sheikret\\_weapon\\_9yUfltJE6wS ELzdcRjLhtK](http://www.nypost.com/p/news/international/sheikret_weapon_9yUfltJE6wS ELzdcRjLhtK)

- Mr. al-Mansuri, connected to the RAK ruling family, was one of those arrested in connection with this terrorist cell:

<http://www.washingtontimes.com/news/2009/sep/17/uae-kept-tight-lid-on-disrupted-terror-plot>

- George Webb, head of the Canada Border Services Agency Counter Proliferation Section, interviewed by *The National Post*, stated that UN Sanctions-prohibited microchips destined for Iran were routed through Ras Al Khaimah:

*"Ras al-Khaimah is actually leased by the Iranian government, staffed by Iranian customs."*

<http://www.nationalpost.com/most-popular/story.html?id=2052630>

- Respected terrorism analyst Douglas Farah has noted links between Ras Al Khaimah, gemstones and the Taliban:

*"One thing of significant importance (and which had not developed at the time of my reporting on diamonds and al Qaeda) is the emergence of both Dubai and Ras al-Khaimah (two of the seven emirates of the United Arab Emirates, one of only three governments to recognize the Taliban when it*

*was in power the first time) as leading diamond markets and gemstone centers.”*

<http://www.douglasfarah.com/?pg=7>

- Viktor Bout, well-documented Russian arms trafficker now under arrest, operated from Ras Al Khaimah. United Nations List of Individual/Company Frozen Assets refers:

[http://www.un.org/sc/committees/1521/1532\\_afl.htm](http://www.un.org/sc/committees/1521/1532_afl.htm)

- Contrary to these reports, Dr. Khater Massaad states, "There are no security issues to be concerned about in the UAE. That's a fact." However, this recent New Zealand Herald story reports 44 terrorism-related arrests:

[http://www.nzherald.co.nz/sport/news/print.cfm?c\\_id=4&objectid=10599659&pnum=0](http://www.nzherald.co.nz/sport/news/print.cfm?c_id=4&objectid=10599659&pnum=0)

- Dr. Massaad also claims that the proposed venue is complete and the area is free of all security concerns: "There has never been any security concern so far in the UAE and I don't see any reason why we should have any now!"

<http://valenciasailing.blogspot.com/2009/08/valencia-sailing-talks-to-dr-khater.html>

However, Martin Tasker of *TV New Zealand* visited Ras Al Khaimah. His report (6 October) showed the venue as a building site.

<http://tvnz.co.nz/othersports-news/new-legal-war-facing-americas-cup-050347/video>

- The obvious unsuitability of Ras Al Khaimah is causing an increasing and negative press throughout the world, which stains the good name of your club.

[http://www.bloomberg.com/apps/news?pid=20601079&sid=aj\\_z2m9lPpA0](http://www.bloomberg.com/apps/news?pid=20601079&sid=aj_z2m9lPpA0)

The foregoing is a small and representative sample.

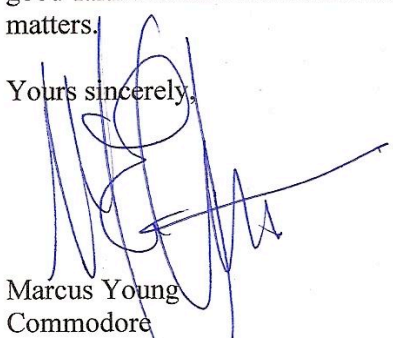
Regrettably, terrorism and threats to public safety are, these days, a fact of life. We note in your brief filed with the court earlier this week the assertion that Ras Al Khaimah has never been connected with terrorism. On the contrary, according to the FBI one of the pilots who crashed into the World Trade Center on 9/11 was born and raised in Ras Al Khaimah ([http://www.globalsecurity.org/security/profiles/marwan\\_al-shehhi.htm](http://www.globalsecurity.org/security/profiles/marwan_al-shehhi.htm)).

GGYC's other objections to this venue are well known to you and we consider them of equal importance.

If Mr. Bertarelli has encouraged your Club into this irresponsible situation, now is the opportunity to salvage the reputation of your Club, the America's Cup and the sport of sailing by leading the way out.

We confirm, as we have on many previous occasions, that GGYC remains committed to good-faith mutual consent discussions with SNG to resolve this and other disputed matters.

Yours sincerely,



Marcus Young  
Commodore

cc: Ernesto Bertarelli, Team Alinghi  
Brad Butterworth, Team Alinghi  
Russell Coutts, BMW ORACLE Racing  
Tom Ehman, BMW ORACLE Racing  
Larry Ellison, BMW ORACLE Racing