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May 12, 2009

OSD/JS FOIA Requester Service Center
Office of Freedom of Information
U.S. Department of Defense
1155 Defense Pentagon
Washington, D.C. 20301-1155
(703) 696-4506 fax

Sent via facsimile and certified mail

Re: Freedom of Information Act Request

We are writing to request the following information on behalf of the Partnership for Civil Justice Fund, the A.N.S.W.E.R. Coalition (Act Now to Stop War and End Racism), and IndictBushNow.org, pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

All records and documents including but not limited to emails, letters, cables or other communications, memoranda, notes, minutes, photographs, audio recordings, video recordings, digital recordings, flight manifests, intelligence assessments, or other data that relate to or reference Ibn al-Sheikh al-Libi aka Ibn Shaykh al-Libi aka Ali Mohammed al-Fakheri aka Ibn A-Sheikh A-Libi including as an unnamed detainee who was a source for information alleging that Iraq had provided training in chemical or biological weapons to al-Qaeda operatives, or recanting said allegation.

As a matter of clarification but not limitation, your response should include all information related to Libi's capture, detention, custody, including by any other entity; transfers of custody; interrogation; suggested questions for interrogation; requests for information from White House personnel or other Bush Administration personnel or any other government agency or personnel; proposed and/or employed methods of interrogation; information derived from questioning of Libi; assessments of that information; communications providing that information to U.S. government agencies or administration personnel; vetting and preparation of information derived from Libi including for presentation to the U.S. Senate and/or for use in Secretary of State Powell's speech to the United Nations in February 2003; determinations and deliberations as to whether or not to transfer Libi to Guantanamo or any other location including secret detention sites, Egypt, and Libya; information as to the death of Libi.

We are requesting the information in electronic format where available.

Request for a Fee Waiver

Pursuant to the FOIA, we are requesting a complete waiver of fees associated with this request. Disclosure of the information requested is likely to contribute significantly to public understanding of the operations of the federal government.

The requesters have no commercial interest in the information and will disseminate the information to the general public, who have an interest in the methods and standards of treatment and interrogation of detainees and methods of gathering and preparing information which is used to shape and express public opinion and government decisions, including about whether or not to go to war.

The ANSWER Coalition and IndictBushNow.org were expressly formed for the purpose of, and are primarily engaged in, disseminating information and informing the public concerning actual or alleged government activity, and mobilizing collective democratic action in response.

The Partnership for Civil Justice Fund is a not-for-profit legal and educational organization which, among, other things, seeks to ensure legal and constitutional accountability within law enforcement and government practices and to review and research practices for such purposes.

Any information received will be digested and disseminated to the general public through in-person distribution, publication of articles, through the requesters' respective web sites, and through mass e-mail communications, which dissemination will significantly contribute to the public's understanding of the activities of the federal government.

Request for Expedited Processing

There is an urgency to inform the public about actual or alleged federal government activity, and as described above, the requesters are primarily engaged in disseminating information. Accordingly, we are requesting expedited processing pursuant to the FOIA.

As reported in the Washington Post on May 12, 2009, Libi was found dead in his cell after allegedly killing himself, and human rights groups have called for an independent investigation of the death. Peter Finn, "Detainee Who Gave False Iraq Data Dies in Prison in Libya," Washington Post, May 12, 2009.

Reflecting the massive and immediate public interest in circumstances pertaining to Libi, since the story of his death first broke just a few hours ago, over 100 articles from across the nation and world have reported on this subject (see attached printout from Google News). There is substantial coverage and questioning as to the circumstances regarding Libi's death and as to the U.S. Government's asserted reliance on statements attributed to him as a key element justifying the advance to war. Those statements, which Libi recanted, were reportedly secured through torture perpetrated and/or condoned by the United States Government.

The Obama administration recently announced that it was decommissioning the CIA's secret detention sites, such as the one(s) in which Libi was detained and interrogated.

The public has an urgent and compelling need for information underlying decisions made regarding their government's treatment and torture of detainees, regarding the ongoing war in Iraq, and regarding government conduct and misconduct in establishing or manufacturing bases or pretexts for the war. Expedited disclosure is necessary to inform and express public opinion, in order to ensure government accountability for decisions and activities regarding the treatment and interrogation of detainees, including those used as major sources of information to affect public opinion and on which to base decisions on whether or not to enter into and continue war.

The public has a right and significant interest to engage in independent fact-finding necessary to evaluate allegations and acts of U.S. Government officials in the aforementioned matters. The public interest overwhelmingly favors the disclosure of information related to violations of the public trust by top federal government officials and agencies.

This request clearly meets the criteria for expedited processing under 32 C.F.R. 286.4(d)(3)(ii)(A) as information that is urgently needed that "has a particular value that will be lost if not disseminated quickly" as a "breaking news story of general public interest." 32 C.F.R. 286.4(d)(3)(ii)(A). Similarly, the information is urgently needed "in order to inform the public concerning actual or alleged Federal Government activity." 32 C.F.R. 286.4(d)(3)(ii).

The need for expedited processing is true and correct to the best of our knowledge and belief and the requesters will disseminate any information received to the general public to inform public understanding of government activities and operations using the means of dissemination described above.

In the Event of Denial

If this request is denied in whole or in part, please provide the basis for each such denial or deletion by reference to the specific exemption of the Act which you assert is applicable.

Request for All Portions of Material for Which No Exemption to Production is Claimed

Please provide all segregable portions of otherwise exempt material.

We reserve the right to appeal your decision to withhold any information or deny a waiver of fees or expedited processing.

Sincerely,



Carl Messineo

Attachment



libi

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Washington Post - 7 hours ago

A researcher for Human Rights Watch, who met Ibn al-Sheikh al-**Libi** at the Abu Salim prison in Tripoli late last month, said a contact in Libya had confirmed ...[UPI NewsTrack TopNews](#) [United Press International](#)[Death of Tortured Emir Whose 'Confession' Led to Iraq War Raises ...](#) The Media Line[Al-Qaeda chief commits suicide in Libyan prison, report says](#) Telegraph.co.uk[Global Security Newswire - US Department of State](#)**[all 110 news articles »](#)****[Report: Al-Qaida militant dies in Libyan prison](#)**

The Associated Press - 9 minutes ago

Yasser al-Sirri, an Egyptian who runs the Islamic Observation Center in London, said Libyan security authorities contacted al-**Libi's** family on Sunday ...[guardian.co.uk](#)**[Gates Removes Top US Commander in Afghanistan](#)**

Democracy Now - 5 hours ago

Human rights groups are demanding an immediate investigation into the death of Ibn Shaykh al-**Libi**. After his capture in Afghanistan in 2001, US forces sent ...[Morning Skim: What Replacing McKiernan Means](#) New York Times Blogs**[all 1,605 news articles »](#)**[Sydney Morning](#)[Herald](#)**[Tortured To Justify A War?](#)**

Atlantic Online - 3 hours ago

And so Ibn al-Sheikh al-**Libi** was first captured by the US and tortured by CIA surrogates in an Egyptian cell. Apparently, they beat him and put him in a ...[White House Watch](#) Washington Post Blogs[Cheney Family Torture Excuses: No Ends, No Justifications](#) BuzzFlash[On question of torture, Americans deserve answers](#) Indianapolis Star**[all 540 news articles »](#)****[WPost Columnist Winks at Torture](#)**

Consortium News - 32 minutes ago

Though al-**Libi's** case is precisely on point – and he is in the news since he reportedly just died (a purported suicide) at a Libyan prison – Cohen doesn't ...[CAN RICHARD COHEN REMEMBER THE COLUMN HE WROTE TWO WEEKS AGO?](#) Tapped**[all 2 news articles »](#)****[Dick Cheney's Cynical Bet](#)**

Huffington Post - 5 hours ago

Because Al-**Libi** just committed suicide in a Libyan prison. If we get hit again it's going to be blamed on torture, Rush said on his show yesterday. ...**[What Cheney is Right About](#)**

Huffington Post - Apr 30, 2009

In 2002, the CIA turned a detainee named Ibn Shaykh Al **Libi** over to Egyptian security forces for questioning. Al **Libi** provided his interrogators with ...[Even For Cheney, The Al-Qaeda-Iraq Torture Story Is A New Low](#) ZNet**[and more »](#)****[Taliban abduct 10 paramilitaries in Pakistan north](#)**

