



United States Department of State

Washington, D.C. 20520

DEC 09 2015

Case No. F-2014-08802

Segments: L-03, L-04, and L-05

Jeffrey L. Light
Law Office of Jeffrey L. Light
1712 Eye Street, NW
Suite 915
Washington, DC 20006

Dear Mr. Light:

I refer to our letter dated August 13, 2015, regarding the release of certain material under the Freedom of Information Act (the "FOIA"), 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552a.

The review of the additional material retrieved from the Office of the Legal Adviser has been completed. After reviewing the remaining 48 documents, we have determined that 3 may be released in full, 29 may be released with excisions, and 16 must be withheld in full. All released material is enclosed.

An enclosure explains the FOIA and Privacy Act exemptions and other grounds for withholding material. Where we have made excisions, the applicable FOIA and Privacy Act exemptions are marked on each document. All non-exempt material that is reasonably segregable from exempt material has been released.

Please be advised that this completes our processing of your request. If you have any questions, your attorney may contact Trial Attorney Caroline Anderson at (202) 305-8645. Please be sure to refer to the case number, F-2014-08802, and the civil action number, 14-cv-01951, in all correspondence about this case.

Sincerely,

John F. Hackett, Director
Office of Information Programs and Services

Enclosures: As stated.

Freedom of Information Act (5 U.S.C. § 552) and Privacy Act (5 U.S.C. § 552a)

FOIA Exemptions

- (b)(1) Information specifically authorized by an executive order to be kept classified in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:
- 1.4(a) Military plans, systems, or operations
 - 1.4(b) Foreign government information
 - 1.4(c) Intelligence activities, sources or methods, or cryptology
 - 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
 - 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
 - 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
 - 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
 - 1.4(h) Weapons of mass destruction
- (b)(2) Related solely to the internal personnel rules and practices of an agency
- (b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:
- | | |
|----------------|---|
| ARMSEXP | Arms Export Control Act, 50a USC 2411(c) |
| CIA PERS/ORG | Central Intelligence Agency Act of 1949, 50 USC 403(g) |
| EXPORT CONTROL | Export Administration Act of 1979, 50 USC App. Sec. 2411(c) |
| FS ACT | Foreign Service Act of 1980, 22 USC 4004 |
| INA | Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f) |
| IRAN | Iran Claims Settlement Act, Public Law 99-99, Sec. 505 |
- (b)(4) Trade secrets and confidential commercial or financial information
- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product
- (b)(6) Personal privacy information
- (b)(7) Law enforcement information whose disclosure would:
- (A) interfere with enforcement proceedings
 - (B) deprive a person of a fair trial
 - (C) constitute an unwarranted invasion of personal privacy
 - (D) disclose confidential sources
 - (E) disclose investigation techniques
 - (F) endanger life or physical safety of an individual
- (b)(8) Prepared by or for a government agency regulating or supervising financial institutions
- (b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

- NR Material not responsive to a FOIA request excised with the agreement of the requester

Privacy Act Exemptions

- (d)(5) Information compiled in reasonable anticipation of a civil action or proceeding
- (j)(1) Information maintained by the CIA
- (j)(2) Enforcement of criminal law, including efforts to prevent, control, or reduce crime or apprehend criminals, except records of arrest
- (k)(1) Classified pursuant to E.O. 13526 in the interest of national defense or foreign policy
- (k)(2) Investigatory material compiled for law enforcement purposes
- (k)(3) Regarding protective services to the President of the United States or other individual pursuant to Title 18, U.S.C., Section 3056
- (k)(4) Required by statute to be maintained and used solely as statistical records
- (k)(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence
- (k)(6) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, the disclosure of which would compromise the testing or examination process
- (k)(7) Evaluation material used to determine potential for promotion in the armed services

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Kidnapping unravels a spy's career - The Washington Post

The Washington Post

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Kidnapping unravels a spy's career

By Ian Shapira, Published: July 11

The ex-CIA operative knew she was taking a risk when she booked her flight from Washington to India. Sabrina De Sousa was still getting used to the idea that she was an international fugitive, with a European arrest warrant issued in her name.

She figured she'd be safe, as long as the plane didn't make an emergency stop anywhere in Europe. Anyway, she had to go. She needed to see her aging mother and tell her for the first time about all of it: The kidnapping of a radical Egyptian Muslim cleric from the streets of Milan in 2003. Her indictment in Italy in 2007 alleging that she had been involved in his disappearance. Her resignation from what she carefully describes as a "U.S. government job" in 2009.

"I have a problem. It's a bit of a political thing," De Sousa remembers explaining to her mom three years ago, as they sat in the family's cliffside villa, with views of the ocean, in Goa. "There was an incident in Italy. It involved what the Italians consider a crime."

Her mother, Julia De Sousa, asked: "What kind of crime?"

"It was kidnapping" the daughter said. "Don't worry. I am not a criminal."

Her mother, then 82, looked perplexed. She placed her hand on her daughter's knee and asked: "How did it come to this?"

Expectation of protection

At 56, Sabrina De Sousa's life has come to be defined by a landmark criminal case that has been playing out in Italy for much of the past decade, ever since prosecutors began investigating the disappearance of an Egyptian cleric, Hassan Mustafa Osama Nasr, known as Abu Omar.

Their conclusion in 2005: A sprawling cast of CIA operatives and senior Italian intelligence officials were the culprits. In a startling turn of events, a foreign country — an ally, no less — had charged a group of U.S. officials for the practice of rendition, in which a terrorist suspect is flown against his will to another country for interrogation.

In 2009, 23 Americans — nearly all alleged CIA officers, many using aliases, all of them long gone from Italy — were convicted in an Italian court on charges of aggravated kidnapping. Most were sentenced to several years in prison. None has ever been extradited to Italy.

Among those charged, one name stands out: De Sousa, a D.C. resident who Italian prosecutors say helped orchestrate the kidnapping but did not actually participate. De Sousa insists that she played no role in the rendition. Unlike the other Americans caught up in the case, she refuses to retreat into anonymity.

This week, De Sousa faces what could be her final chance at exoneration. On Friday, the Supreme Court of Cassation in Rome will convene a two-day hearing to decide whether to uphold or overturn all the Americans' convictions. The judges could also kick their cases back to a lower court or schedule another hearing before a fuller panel of Supreme Court justices in the fall.

De Sousa, who was registered in Italy as a State Department officer at the U.S. consulate in Milan, denies that she worked for the CIA, even as she has sued the agency for failing to invoke diplomatic immunity on her behalf. In Italian court papers, prosecutors call De Sousa a "CIA agent attached to the U.S. Consulate in Milan." The CIA declined to comment on the specifics of her case.

More than anything, De Sousa's legal battles reveal the cascading personal toll on a CIA officer when a secret intelligence operation's cover is blown. She said she's lost friends and her high-level security clearances. She resigned from her job just a few years shy of earning retirement benefits because, she says, she could not abide by her employers' orders not to travel overseas, where much of her family lives. Although she has landed some consulting contracts, she has struggled to find full-time work. Her name does not exactly churn out the most positive Google results.

Some in the intelligence community sympathize with De Sousa, but only to a point.

"There is an inherent risk in working for the CIA, which people don't always think about," says a former U.S. intelligence official, who described De Sousa as a relatively junior officer. "I knew many guys who just one day had to get out of the country and lost everything they owned. Had to leave their pets behind. That's part of the job."

De Sousa is bitter about the way her career has unraveled, because she has tried so many ways to salvage it: In 2009, she sued the CIA and the State and Justice departments for not invoking diplomatic immunity on her behalf. A federal judge dismissed her case in January. (She's appealing.) Her case, she argues, poses a broader problem: If she's fair game for international prosecution, isn't everyone else posted abroad for the U.S. military and foreign service?

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"You expect to be protected, that the organization you work for tries everything to help you," De Sousa says. "Officially, I was a diplomat, that's all I can say. But when diplomats or troops take risks, you expect your own government to help. To me, being quiet means you're guilty."

Able to blend into crowds

Around noon on Monday, Feb. 17, 2003, Abu Omar left his apartment on Via Guercioni in Milan for his daily walk to his mosque. Some at the CIA believed he had been plotting a 2002 attack against a bus full of students headed to an American school in Milan, Italian court records say.

A small car purred alongside him. Then a big white van. An Italian law enforcement official, who was collaborating with the CIA team, stepped out of the car and asked to see Omar's identification. Moments later, two men burst out of the van. Omar, a hefty man, then about 40, was forced into the back. His mouth was taped shut. His feet and hands were bound. He was blindfolded, according to Italian court documents.

Hours later, the van sped onto Aviano Air Base in northeast Italy. From there, Omar was flown to a U.S. air base in Germany, then on to Egypt, where he was thrown into a Cairo prison. He was beaten, his wife told Italian investigators, according to the court documents. His genitals, she said, were subjected to electric shocks.

While Omar was being kidnapped, De Sousa was chaperoning her son's high school trip at Madonna Di Campiglio, a popular ski area in northern Italy. De Sousa, a political and military specialist, says she had heard of Omar the previous year. But she had no clue he was being abducted while she was looking after her son on the slopes.

She declines to say when she was told of the operation, who told her, and what exactly she was told.

De Sousa was an unlikely CIA operative. She grew up in Bombay, where her father groomed her to take over his company, which designed and built exhibits for corporate conferences, and once an altar for a visiting pope.

Instead she wound up meeting a U.S. Foreign Service officer posted in Bombay and marrying him in 1985. He recommended that she apply for a State Department job because she spoke so many languages.

By the 1990s, the naturalized U.S. citizen began to work for the CIA, according to a former agency officer who worked with her at the time. Her olive skin and fluency in Portuguese, French, Hindi, German and Italian enabled her to blend into crowds and easily take part in surveillance of suspects.

"She was helping man observation posts, doing photography and video work," says the former officer, who often monitored targets with De Sousa because they looked like a couple. "I've been with her at the feet of targets, in whatever role we were playing, and we didn't know the target was going to go a certain place, and she was just, like 'Follow my lead. Let's wing it.'"

By 1998, she had divorced her husband and landed in Rome, where she was listed as a political officer at the U.S. Embassy for the State Department. In the spring of 2001, not very long before the terrorist attacks of Sept. 11, she was transferred to the U.S. Consulate in Milan.

The real boss in Milan?

De Sousa won't say whether she knew about plans for Omar's rendition in advance.

"I knew he was under investigation along with many other suspects," she says, declining to elaborate.

After Omar's rendition in early 2003, Italian prosecutors spent the next several years investigating the CIA operatives, building a case that De Sousa says is entirely circumstantial.

The evidence against her: An Italian law enforcement officer told prosecutors he "suspected" De Sousa was the "real CIA boss in Milan." An Italian intelligence official said the rendition was "close to the hearts" of De Sousa and the CIA chief in Rome; and, that De Sousa was sent to Milan to push the operation forward.

Phone records show calls made from De Sousa's phone to one of the kidnappers eight months before the operation and around the time of the abduction; and, finally, a consular clerk's e-mail was found saying that someone named "Sabrina" had warned colleagues to avoid Italy after the rendition occurred.

All of it, De Sousa maintains, is absurd. She was an underling in Milan, not a boss. Although she knows the alleged kidnapper she's accused of calling, she doesn't remember those conversations, and the Italians have no proof of what was said during them. Besides, she adds, she wasn't even aware of renditions in 2003 and was certainly not able to plan one.

"I can't just pick up the phone and call Washington and say, 'Hey, send me a plane!'" De Sousa says. "Who can order a plane like that? It's got to be the Defense Department, the head of CIA, the head of the State Department."

And even if she did participate in the abduction, she says, such actions would have fallen within her official duties and she would have been entitled to immunity from prosecution.

Armando Spataro, the Italian public prosecutor who brought the case, disagrees. The 1963 Vienna Convention on Consular Relations does not protect consular officials who commit serious crimes, such as aggravated kidnapping, worth five or more years in prison, Spataro says.

The accumulation of evidence against De Sousa, although circumstantial, convinces him that she was one of the rendition's "principal organizers."

"To pass a sentence, the court doesn't need the smoking gun!" Spataro says. "According to my opinion, Sabrina should be in prison."

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Convicted in absentia

De Sousa has never understood why she didn't get immunity, and why others did.

In November 2009, De Sousa and numerous Americans were convicted in absentia in Italy on aggravated-kidnapping charges. But the judge also ruled that three CIA officials in Rome, among them Jeffrey Castelli — who, court documents allege, was the operation's mastermind and planned it with CIA headquarters — were entitled to diplomatic immunity.

The United States invoked immunity for Col. Joseph L. Romano III, a former Air Force commander who allegedly helped smuggle the kidnapping team onto Aviano Air Base, from which Omar was flown out of Italy.

Just last month, national security adviser Thomas E. Donilon wrote Romano a letter on White House stationery, assuring him that his case "remains a high priority" for the president, and that John Brennan, the White House counterterrorism adviser, recently "pressed your case with the Italian ambassador in a meeting at the White House."

But it turns out that the Italian judge disregarded the Air Force's assertion of immunity for Romano and convicted him. And, in October, prosecutors will appeal the ruling that gave diplomatic immunity to Castelli and his two CIA counterparts in Rome.

Still, De Sousa wonders: Why them, not me?

Well before her conviction, she lobbied hard for immunity. In May 2008, Jonathan C. Rose, now the chief of the rules support office in the U.S. court system, wrote an angry letter on her behalf to then-Secretary of State Condoleezza Rice. Rose called Rice out for allegedly approving Omar's rendition at the CIA's behest. Then, he ticked off his client's complaints, including the fact she wasn't even allowed to speak with her court-appointed attorney in Italy.

Rice never responded, Rose said in an interview.

Through a spokeswoman, Rice declined to comment.

In fall 2008, the CIA told De Sousa that "intelligence activities are not covered by diplomatic immunity," according to a letter obtained by The Washington Post that Rose wrote to Rice's legal adviser, John B. Bellinger III.

Bellinger, now an attorney at Arnold & Porter, declined to comment.

In early 2009, De Sousa marked her last day at work.

"Are you sure you want to leave?" De Sousa recalls colleagues asking. "I said, 'I have to. Not seeing my mother in India was not an option.'"

Later that year, she sued the State and Justice departments and the CIA for, among other grievances, failing to give her immunity. De Sousa said in her lawsuit that Rice and later Secretary of State Hilary Rodham Clinton pushed for immunity, but former CIA directors Michael Hayden and Leon Panetta objected. De Sousa thinks she would have gotten immunity had the CIA not interfered.

Hayden and Panetta declined to comment. Spokesman for the State and Justice departments also declined to comment.

The Justice Department argued for a dismissal of her lawsuit. It argued that the executive branch decides who receives immunity, not a federal judge, and the 1963 Vienna Convention on Consular Relations entitles the United States to invoke immunity to advance its own interests, not an individual's.

De Sousa's attorney, Mark Zaid, who has represented intelligence officers and military members for nearly two decades, says he is not aware of another case in which the United States failed to claim immunity for a U.S. diplomat officially registered with the host country. In 2011, the United States claimed immunity for CIA operative Raymond Davis, who was charged with shooting and killing two motorcyclists in Lahore, Pakistan.

"Davis was very clearly not an accredited diplomat entitled to immunity," Zaid says. "And the fact that the U.S. invoked it for someone so obviously not entitled is a slap in the face to individuals like Sabrina who unequivocally possessed diplomatic status."

Next steps are uncertain

As the Supreme Court hearing in Rome approaches, De Sousa is still looking for full-time work. But it's not easy when the phrase "convicted kidnapper" pops up in her Wikipedia entry. In the meantime, she's working on two books — a memoir and a psychological thriller. She's also working with a cousin to set up an orphanage in Goa.

She is fully aware that some in the Foreign Service believe she is unwilling to deal with the natural perils of their profession. With a mother in India and sisters in Germany and Canada, she says she never would have taken on any assignment that could have jeopardized her ability to travel freely. Her critics, she says, cannot understand what it's like for an immigrant to be stuck in the United States and barred from visiting family abroad.

"Every one of the little white boys who work in the Foreign Service whose parents live down the street, they can see their mother anytime," she says.

She also never anticipated that she would be associated with counterterrorism tactics that she deems too extreme.

"I had never heard of renditions at that point in my career. I am dead serious. They were highly classified," she says.

If the Supreme Court in Italy upholds her conviction, Spataro, the Italian prosecutor, says his office will ask the Italian government to obtain an Interpol arrest warrant issued in her name. If that happens, De Sousa could be arrested in countries outside the European Union, including India, Spataro says.

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De Sousa is not certain what she'll do if the Italian Supreme Court does not exonerate her. Most of all, she is not sure how she'll tell her 85-year-old mother the news, or whether she'd risk flying to India for a face-to-face conversation.

"It's not the thing," she says, "I want to think about."

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May 29, 2008

The Honorable Michael B. Mukasey
Attorney General
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: Sabrina De Sousa

Dear Mr. Attorney General:

We write to seek your assistance on behalf of our client Sabrina De Sousa, who has loyally served the U.S. government for many years as a listed Foreign Service Officer of the State Department and as an employee of the Central Intelligence Agency.

As you are no doubt aware, Ms. De Sousa and more than twenty other U.S. nationals are being tried in absentia before an Italian court for their alleged involvement in a conspiracy to kidnap in Milan for delivery to Egyptian authorities Osama Mustafa Hasan Nasr, known as Abu Omar, a Muslim cleric thought to be a terrorist. Ms. De Sousa last served in Italy from 1998 until 2004, first at the U.S. embassy in Rome until 2001, and then in Milan until January 2004. When the alleged kidnapping took place, Ms. De Sousa was on annual leave with her son away from Milan, a fact for which she has documentary evidence. Since these events, Ms. De Sousa has been widely and falsely characterized in the European, U.S., and world press as a significant promoter of the alleged operation. Through cell phone records, hotel bills, and other documentary evidence apparently leaked from the prosecutor's investigation, the press has painted a picture of a lavish, clumsily conducted, and ill-advised operation in which it is falsely alleged that Ms. De Sousa played a significant role. The Magistrate issued arrest warrants for Ms. De Sousa and others in July 2006 and indictments in January 2007. We understand that Abu Omar is also pursuing a civil case against Ms. De Sousa (and others) in Italy.

As you may know, the U.S. government has virtually eviscerated Ms. De Sousa's ability to defend herself against the Italian charges. Despite her requests pursuant to Agency and DOJ regulations, Ms. De Sousa neither has been afforded counsel by the U.S. government in the Italian criminal case nor has she been able to consult with her court-appointed Italian counsel. See CIA, AR 7-9, Legal Representation Provided to Agency Employees (May 23, 1997); 28 C.F.R. § 50.15(a)(1) (2007). Ms. De Sousa also has not been given access to the Italian attorney retained by the Agency or even information that has been made available to other officers at the Agency. These restrictions substantially prejudice her position in the on-going litigation. For example, Ms. De Sousa has not been informed of how she might raise defenses of diplomatic and consular immunity, whether these defenses have been adequately raised in the

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Italian proceedings, and the potential (but facially apparent) prejudice from the failure to do so. Similarly, Ms. De Sousa is also unable to introduce witnesses and exculpatory documentary evidence before the Italian court, or to challenge the evidence and witnesses against her.

Indeed, the U.S. government has actively shut Ms. De Sousa out of the process. Despite repeated requests, Ms. De Sousa is not being provided information pertinent to the case against her, leaving her to rely upon excerpts from the Italian media. Requests to Secretary Rice and General Hayden for information and intervention on behalf of Ms. De Sousa remain unanswered. The government has gone so far as to hamper our representation of Ms. De Sousa by broad claims that information openly available on the internet and in U.S. and foreign news media is classified. This expansive and improper use of the power to classify has hindered Ms. De Sousa's ability to communicate with members of Congress and their staffs and appears to have had a chilling effect on their willingness to remedy an obviously egregious and unfair situation. The classification power also has been wielded to attempt to impose an arbitrary limit on the number of attorneys Ms. De Sousa may retain, raising the potential of clear and improper interference with the attorney-client relationship governed by ethical rules to which all government and private attorneys are subject.

Instead of assisting Ms. De Sousa, the Agency has resorted to unsubstantiated assurances that the Italian case would not proceed – all of which have thus far been proven false by subsequent events. For example, while we have been repeatedly promised over the past year that Italy's Constitutional Court would offer Ms. De Sousa and other indicted Americans a *deus ex machina* escape from this situation, according to press reports, that court's decision, which was due this summer after repeated postponements, will likely again be delayed. One only has to glance at the Italian press to know that the efforts of the Berlusconi government to intervene in the Milan trial have been completely unsuccessful and the trial continues full-bore with a heavy schedule for the upcoming months. Had the U.S. government treated Ms. De Sousa with any candor in the past, such as giving her access to legal advice from Italian attorneys retained by the agency, the government's appeals for deference and restraint might have some credibility. However, it seems obvious that Ms. De Sousa is expected to sit idly by for a botched operation and now a botched invisible defense at an in-absentia trial in which her future is clearly at stake. This is not the American system of justice as we understand it.

Given your role as the "chief law enforcement officer of the federal government," *Marshall v. Gibson's Products Inc. of Plano*, 548 F.2d 668 (5th Cir. 1978), and your duty to "represent the United States in legal matters," Department of Justice Manual § 1-2.101 (2008), we write to inform you of Ms. De Sousa's predicament and to request your assistance in facilitating and coordinating Ms. De Sousa's defense of the Italian charges with other responsible agencies. See also 28 U.S.C. § 516 ("Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested, and securing evidence therefor, is reserved to officers of the Department of Justice, under the direction of the Attorney General."); 28 U.S.C. § 519 ("Except as otherwise authorized by law,

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the Attorney General shall supervise all litigation to which the United States, an agency, or officer thereof is a party . . .").¹

It is unconscionable that Ms. De Sousa has been provided neither assistance with her defense nor the information or ability to defend herself. Already, there is a danger that extremists sympathetic to Abu Omar or his cause will seek retribution against Ms. De Sousa for alleged involvement in his abduction. The harms of a criminal conviction for that alleged involvement will only exacerbate the personal risks Ms. De Sousa will face, as well as create other burdens, including the possibility of arrest should she travel outside the United States. In addition, such a conviction record would follow Ms. De Sousa into any potential civilian employment as well as become a subject of devastating publicity to Ms. De Sousa and family members abroad. Indeed, Ms. De Sousa's name already has appeared on a "wanted" list of Indian nationals published in an Indian newspaper. Ms. De Sousa may also face civil liability from the Abu Omar suit.

AND
 IMMUNITY
 WILL STOP
 THEM?

Until this time, U.S. government employees have had a reasonable expectation that those assigned overseas will be defended in foreign proceedings for alleged actions occurring in the line of duty and will not be expected to bear personally the consequences of criminal judgments against them. Thus far, the government's response to those injured through no fault of their own by this alleged operation seems akin to leaving the wounded in the field after an armed conflict to fend for themselves. Mr. Attorney General, we sincerely hope that you will not permit matters to remain in this condition.

¹ We note that Ms. De Sousa has not been informed whether her request for representation, made more than a year ago, has been referred to the DOJ even though there is no question that the Italian case concerns alleged actions by Ms. De Sousa that clearly would "have been performed within the scope of [her] employment." 28 C.F.R. § 50.15(a)(2). The Agency has never indicated or demonstrated that providing Ms. De Sousa with representation "is clearly unwarranted." *Id.* § 50.15(a)(1) ("Unless the employee's employing federal agency concludes that representation is clearly unwarranted, it shall submit, in a timely manner, to the Civil Division or other appropriate litigating division . . . a statement containing its findings as to whether the employee was acting within the scope of his employment and its recommendation for or against representation."). Absent such a demonstration, the Agency's actions in preventing Ms. De Sousa from receiving representation, either by the DOJ or by other private counsel, 28 C.F.R. § 50.16, would improperly nullify DOJ's role in deciding the need for representation. *Id.* § 50.15(a)(2) ("Upon receipt of the individual's request for counsel, the litigating division shall determine whether the employee's actions reasonably appear to have been performed within the scope of his employment and whether providing representation would be in the interest of the United States.") (emphasis added). For more than three years, the CIA's promises of a non-judicial resolution to this matter have repeatedly been proven empty. Thus, it seems difficult to conclude that the defense of a U.S. agent against a misdirected Italian indictment is either "clearly unwarranted" or not "in the interest of the United States."

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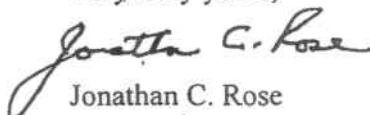
The Honorable Michael B. Mukasey

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We look forward to receiving your response.

Very truly yours,


Jonathan C. Rose

cc: John B. Bellinger III, Legal Adviser to the Secretary of State
Hon. Silvestre Reyes, Chairman, House Permanent Select Committee on Intelligence
Hon. Peter Hoekstra, Ranking Member, House Permanent Select Committee on Intelligence
Hon. John D. Rockefeller IV, Chairman, U.S. Senate Select Committee on Intelligence
Hon. Christopher S. Bond, Vice Chairman, U.S. Senate Select Committee on Intelligence

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May 8, 2008

PRIVILEGED & CONFIDENTIALThe Honorable Condoleezza Rice
Secretary of State
U.S. State Department
Washington, D.C. 20025

Re: Sabrina De Sousa, Consul General, Milan

Dear Madam Secretary:

You have previously received correspondence requesting your assistance in the case of my client Sabrina De Sousa, a listed Foreign Service Officer of the Department of State who has loyally served the U.S. government for many years. As you are no doubt aware, in July 2006, a Magistrate in Milan, Italy, issued a warrant for the arrest of Ms. De Sousa along with more than twenty other U.S. nationals, alleging their involvement in a conspiracy to kidnap in Milan for delivery to Egyptian authorities one Osama Mustafa Hasan Nasr, known as Abu Omar, a Muslim cleric thought to be a terrorist. The Magistrate formally charged Ms. De Sousa's involvement in an indictment issued in July 2006. Ms. De Sousa's trial in absentia, after a temporary suspension, is now proceeding apace before the Italian court.

Ms. De Sousa last served in Italy from 1998 until 2004, first at the U.S. embassy in Rome until 2001, and then in Milan until January 2004. When the alleged kidnapping took place, Ms. De Sousa was on annual leave with her son away from Milan, a fact for which she has documentary evidence, both in the form of telephone records (undoubtedly also available to the Magistrate) and through credit card bills. Since these events, Ms. De Sousa has been widely and falsely characterized in the European, U.S., and world press as a significant promoter of the alleged operation. According to public sources, the alleged operation was conceived by Jeffrey Castelli, described as the CIA's Rome station chief and Ms. De Sousa's ultimate superior, and over the opposition of Robert Seldon Lady, who is alleged to have been CIA's Milan station chief and Ms. De Sousa's immediate supervisor. Allegedly, Mr. Castelli's advocacy of the operation provoked an internecine bureaucratic battle in which CIA Director George Tenet sided with Mr. Castelli and gained your reluctant approval for a positive recommendation of the operation to the President. Through cell phone records, hotel bills, and other documentary

~~SECRET~~

CL BY: 2322781
CL REASON: 14(C)
DECL ON: 25x1-Huon
DRV FROM: Civ 5-06; AETS-06

ATLANTA • BEIJING • BRUSSELS • CHICAGO • CLEVELAND • COLUMBUS • DALLAS • FRANKFURT • HONG KONG • HOUSTON
IRVINE • LONDON • LOS ANGELES • MADRID • MILAN • MOSCOW • MUNICH • NEW DELHI • NEW YORK • PARIS • PITTSBURGH
SAN DIEGO • SAN FRANCISCO • SHANGHAI • SILICON VALLEY • SINGAPORE • STON:Y • TAIPEI • TOKYO • WASHINGTON

NOV. 5.2008 4:41PM

NO.198 P.5

Honorable Condoleezza Rice
May 8, 2008
Page 2

SECRET**JONES DAY**

evidence apparently leaked from the prosecutor's investigation, the press has painted a picture of a lavish, clumsily conducted, and ill-advised operation of which our client was a significant part.

As you may be aware, despite her requests, my client neither has been afforded counsel by the U.S. government in the Italian criminal case nor has she been able to consult with her court-appointed Italian counsel. It is impossible to assess the potential prejudice to Ms. De Sousa of these limitations. Ms. De Sousa's inability to seek the inclusion of particular witnesses at the trial, or to make other pre-trial motions (such as dismissal based upon immunity) are merely two examples. More fundamentally, it is the role of your office to assert any defenses based upon Ms. De Sousa's diplomatic and/or consular immunity. The State Department's failure to raise these defenses in a timely and procedurally required manner will likely seriously jeopardize Ms. De Sousa's defense.

Indeed, Ms. De Sousa has been denied the most basic information regarding the charges against her. The information she has requested on numerous occasions includes:

1. The name of Ms. De Sousa's counsel of record in the Italian case.
2. A copy of the evidence presented to the court that led to Ms. De Sousa's indictment (available as of right to her counsel of record).
3. Information available to the government regarding materials relevant to her case allegedly on Robert Lady's computer, including Susan Czaska's alleged email to him, which is one of the cited grounds for her indictment.
4. Any Memorandum of Understanding between the U.S. government and the Government of Italy affecting the alleged involvement of U.S. government officials in the activities that are the subject of the trial.
5. Any analysis by the U.S. government relating to my client's diplomatic and/or consular immunity under the respective Vienna Conventions.
6. Information regarding a related civil suit apparently brought in Italy by Abu Omar.

These requests for basic information about her case remain outstanding and unanswered. It is unconscionable that Ms. De Sousa has been provided neither assistance with her defense nor the information or ability to defend herself. Already, there is a danger that extremists sympathetic to Abu Omar or his cause will seek retribution against Ms. De Sousa for her alleged involvement in his abduction. The harms of a criminal conviction for that alleged involvement will only exacerbate the personal risks Ms. De Sousa will face, as well as create other burdens, including the possibility of arrest should she travel outside the United States. In addition, such a conviction record would follow her into any potential civilian employment as well as become a subject of devastating publicity to her and her family members abroad. Indeed, her name already has appeared on a "wanted" list of Indian nationals published in an Indian newspaper. We further understand that Abu Omar is also pursuing a civil case against Ms. De Sousa in Italy.

Until this time, U.S. government employees have had a reasonable expectation that those assigned overseas will be defended in foreign proceedings for alleged actions occurring in the line of duty and will not be expected to bear personally the consequences of criminal judgments

SECRET

NOV. 5. 2008 4:41PM

NO. 198 P. 6

Honorable Condoleezza Rice
May 8, 2008
Page 3


~~SECRET~~

JONES DAY

against them. Thus far, the government's response to those injured through no fault of their own by this alleged operation seems akin to leaving the wounded in the field after an armed conflict to fend for themselves. Madam Secretary, we sincerely hope that you will not permit matters to remain in this condition.

We look forward to receiving your response.

Very truly yours,


Jonathan C. Rose

cc: John B. Bellinger III, Legal Adviser to the Secretary of State
Hon. Silvestre Reyes, Chairman, House Permanent Select Committee on Intelligence
Hon. Peter Hoekstra, Ranking Member, House Permanent Select Committee on Intelligence
Hon. John D. Rockefeller IV, Chairman, U.S. Senate Select Committee on Intelligence
Hon. Christopher S. Bond, Vice Chairman, U.S. Senate Select Committee on Intelligence

~~SECRET~~

Schnotala, Veronica

From: Bentes, Julianna W
Sent: Monday, June 25, 2012 6:42 PM
To: Schwartz, Jonathan B; Gresser, James A; Moore, Holly; Chabora, Paige E; Malin, Mary Catherine
Cc: Heinemann, Thomas B; Johnson, Clifton M; Gahan, Kimberly A; Wilson, Kathleen A
Subject: RE: diplomatic immunity

RELEASE IN PART B5,D5,B6

I left a message for Molly (PA) to this effect.

From: Schwartz, Jonathan B
Sent: Monday, June 25, 2012 6:27 PM
To: Gresser, James A; Moore, Holly; Bentes, Julianna W; Chabora, Paige E; Malin, Mary Catherine
Cc: Heinemann, Thomas B; Johnson, Clifton M; Gahan, Kimberly A; Wilson, Kathleen A
Subject: RE: diplomatic immunity

B5
D5

From: Gresser, James A
Sent: Monday, June 25, 2012 6:15 PM
To: Schwartz, Jonathan B; Moore, Holly; Bentes, Julianna W; Chabora, Paige E; Malin, Mary Catherine
Cc: Heinemann, Thomas B; Johnson, Clifton M; Gahan, Kimberly A; Wilson, Kathleen A
Subject: RE: diplomatic immunity

Jonathan:

B5
D5

Jim

From: Schwartz, Jonathan B
Sent: Monday, June 25, 2012 5:55 PM
To: Gresser, James A; Moore, Holly; Bentes, Julianna W; Chabora, Paige E; Malin, Mary Catherine
Cc: Heinemann, Thomas B; Johnson, Clifton M; Gahan, Kimberly A
Subject: RE: diplomatic immunity

[Redacted]

B5
D5

From: Gresser, James A
Sent: Monday, June 25, 2012 5:34 PM
To: Moore, Holly; Bentes, Julianna W; Chabora, Paige E; Malin, Mary Catherine; Schwartz, Jonathan B
Cc: Heinemann, Thomas B; Johnson, Clifton M; Gahan, Kimberly A
Subject: RE: diplomatic immunity

[Redacted]

B5
D5

From: Moore, Holly
Sent: Monday, June 25, 2012 5:28 PM
To: Bentes, Julianna W; Chabora, Paige E; Malin, Mary Catherine; Schwartz, Jonathan B
Cc: Gresser, James A; Heinemann, Thomas B; Johnson, Clifton M; Gahan, Kimberly A
Subject: RE: diplomatic immunity

All -

[Redacted]

B5
D5

Thanks, htm

From: Bentes, Julianna W
Sent: Monday, June 25, 2012 4:12 PM
To: Chabora, Paige E; Moore, Holly; Malin, Mary Catherine
Cc: Gresser, James A; Heinemann, Thomas B
Subject: RE: diplomatic immunity

[Redacted]

B5
D5

From: Westrate, Molly Lynn (PACE) [mailto:WestrateML@state.gov]
Sent: Monday, June 25, 2012 3:39 PM
To: Chabora, Paige E; Moore, Holly; Malin, Mary Catherine
Cc: Gresser, James A; Bentes, Julianna W
Subject: RE: diplomatic immunity

This back from the reporter:

I was hoping to speak with someone about diplomatic immunity cases, in general -- not about that particular diplomatic case. I was hoping to help readers understand if this was unprecedented or not, or whether there other cases in which Americans listed as State Dept diplomats had been denied immunity. Again, I don't need to talk about that specific case. Just these *kinds* of cases. And I'll make it clear in the piece that State said it cannot comment on this specific case. Just trying to help out the reader who might have some obvious and basic questions about how immunity works, really, that's all.

ML Westrate
PA/PRS
P: (202) 647-1233

E: WestrateML@state.gov

B6

From: Chabora, Paige E [mailto:ChaboraPE@state.gov]
Sent: Monday, June 25, 2012 3:02 PM
To: Moore, Holly; Malin, Mary Catherine
Cc: Gresser, James A; Bentes, Julianna W; Westrate, Molly Lynn (PACE)
Subject: Re: diplomatic immunity

B5
D5

From: Moore, Holly
Sent: Monday, June 25, 2012 02:58 PM
To: Chabora, Paige E; Malin, Mary Catherine
Cc: Gresser, James A; Bentes, Julianna W; Westrate, Molly Lynn (PACE)
Subject: RE: diplomatic immunity

MC and Paige –

Hoping that one of you is reading email and might react to this.

B5
D5

Thanks, htm

From: Benda, Susan
Sent: Monday, June 25, 2012 2:36 PM
To: Westrate, Molly Lynn (PACE); Bentes, Julianna W
Cc: Moore, Holly; Gresser, James A
Subject: RE: diplomatic immunity

Adding Jim Gresser –

From: Westrate, Molly Lynn (PACE) [mailto:WestrateML@state.gov]
Sent: Monday, June 25, 2012 2:33 PM
To: Bentes, Julianna W; Benda, Susan
Cc: Moore, Holly
Subject: RE: diplomatic immunity

Julianna:

B5
D5

ML Westrate
PA/PRS
P: (202) 647-1233

E: WestrateML@state.gov

B6

From: Bentes, Julianna W [mailto:BentesJW@state.gov]
Sent: Monday, June 25, 2012 2:31 PM
To: Benda, Susan; Westrate, Molly Lynn (PACE)
Cc: Moore, Holly
Subject: RE: diplomatic immunity

B5
D5

All the best,
Julianna

From: Benda, Susan
Sent: Monday, June 25, 2012 2:23 PM
To: Westrate, Molly Lynn (PACE)
Cc: Bentes, Julianna W; Moore, Holly
Subject: RE: diplomatic immunity

Why don't you call Julianna – she's in and this is her's –
Thx
Susan

From: Westrate, Molly Lynn (PACE) [mailto:WestrateML@state.gov]
Sent: Monday, June 25, 2012 1:22 PM
To: Benda, Susan
Cc: Bentes, Julianna W
Subject: RE: diplomatic immunity

B5
D5

ML Westrate
PA/PRS
P: (202) 647-1233

E: WestrateML@state.gov

B6

From: Benda, Susan [mailto:BENDAS@state.gov]
Sent: Monday, June 25, 2012 10:39 AM
To: Westrate, Molly Lynn (PACE)
Cc: Bentes, Julianna W
Subject: RE: diplomatic immunity

B5
D5

From: Westrate, Molly Lynn (PACE) [mailto:WestrateML@state.gov]
Sent: Monday, June 25, 2012 10:28 AM
To: Benda, Susan
Subject: RE: diplomatic immunity

I don't think so. Do you mind contacting the reporter?

ML Westrate
PA/PRS
P: (202) 647-1233

E: WestrateML@state.gov

B6

From: Benda, Susan [mailto:BENDAS@state.gov]
Sent: Monday, June 25, 2012 10:19 AM
To: Westrate, Molly Lynn (PACE)
Cc: Ventrell, Patrick H; Laine, Andrew J (PACE); Starr, Katherine L
Subject: RE: diplomatic immunity

Did someone else handle in my absence?

Susan

From: Westrate, Molly Lynn (PACE) [mailto:WestrateML@state.gov]
Sent: Thursday, June 21, 2012 12:11 PM
To: Benda, Susan
Cc: Ventrell, Patrick H; Laine, Andrew J (PACE); Starr, Katherine L
Subject: FW: diplomatic immunity

Susan:

Received the below query. Is this a topic on which you feel comfortable discussing with the reporter? Many thanks!

ML Westrate
PA/PRS
P: (202) 647-1233

[REDACTED]
E: WestrateML@state.gov

From: [REDACTED] **On Behalf Of** Ian Shapira
Sent: Wednesday, June 20, 2012 4:10 PM
To: Westrate, Molly Lynn (PACE)
Subject: diplomatic immunity

Hi Molly Lynn,

I'm working on a piece that touches on the issue of diplomatic immunity.

I was hoping to speak with someone at the State Department about past cases in which the US waived immunity or did not invoke it for diplomats serving abroad.

The folks over at the AFSA suggested I speak with Susan Benda at State about it. They said she was an expert on these matters.

Let me know if you think this could be arranged. My deadline is Friday, though I might have wiggle room into Monday of next week.

I would just need about 10 minutes on the phone.

Sincerely,

Ian

--
Ian Shapira | The Washington Post
1150 15th Street N.W. | Washington, D.C. 20017
Office: +1 202-334-7572 | Mobile: [REDACTED]
E mail: shapirai@washpost.com
www.twitter.com/ianshapira
<http://ianshapira.com/>



RELEASE IN PART
1.4(B),B1,K1,1.4(D)

201212422

United States Department of State

Washington, D.C. 20520

DIST
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D(B)
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PA
S/ES

~~SECRET/NOFORN~~ *MS 11/12/12*

DECL: 7/12/2027 or 15 years after final resolution of relevant court cases

NOTE FOR THE SECRETARYFROM: L – Harold Hongju Koh *APS for*

Classification Extended on : 11/05/2015 ~ Class:
SECRET ~ Authority: DSCG 11-1 ~ Declassify on:
07/12/2032

SUBJECT: Sabrina De Sousa and the Abu Omar Rendition

(U) Today's Washington Post ran an article about the failed efforts of Sabrina De Sousa – a former officer at the U.S. consulate in Milan – to try to force the U.S. government to assert immunity on her behalf in the Italian courts for her alleged role in the 2003 kidnapping and rendition of Abu Omar (attached). She was one of 26 Americans (and six Italians) indicted by an Italian judge in 2007.

1.4(B)
1.4(D)
B1
K1

SECRET/NOFORN

Classified by: Legal Adviser Harold Hongju Koh
E.O. 13526, Reasons: 1.4(b) and (d)

*drafted: L/LEI
A/DL*

~~SECRET/NOFORN~~

-2-

1.4(B)
1.4(D)
B1
K1

(SBU) Following *in absentia* proceedings, 23 of the defendants including De Sousa were convicted in November 2009, and those convictions were subsequently sustained on appeal. The defendants have further appealed their cases to the Court of Cassation, which is scheduled to hold a hearing July 13 and 14. Prior to the trial verdict, De Sousa resigned from federal employment and filed suit against the Department of State and the CIA for failing to assert her "diplomatic immunity." That suit was dismissed on January 12 as non-justiciable, and is currently on appeal.

1.4(B)
1.4(D)
B1
K1Attachment:

Washington Post Article

~~SECRET/NOFORN~~

Drafted by: L/LEI – Kathleen Wilson, x. 7-9771
L/DL – Paige Chabora, x. 7-0521

Approved by: L – Harold Hongju Koh (ok)

Cleared by: L/FO – Jonathan Schwartz (ok)

~~SECRET/NOFORN~~

Classified by: Legal Adviser Harold Hongju Koh
E.O. 13526, Reasons: 1.4(b) and (d)

RELEASE IN PART
B5,D5

Schnotala, Veronica

From: Chabora, Paige E
Sent: Thursday, July 12, 2012 6:13 PM
To: Wilson, Kathleen A
Subject: RE: Abu Omar appellate decision - summary re: US defendants

Thanks again for this. Interesting. Do you have a copy of the opinion itself? I only have the trial court opinion. Thanks.

From: Wilson, Kathleen A
Sent: Thursday, July 12, 2012 5:19 PM
To: Chabora, Paige E
Subject: FW: Abu Omar appellate decision - summary re: US defendants

See below, I'll call

This document is UNCLASSIFIED//NOFORN when separated from CONFIDENTIAL//NOFORN attachment(s).

Sensitivity: Sensitive
Classification: ~~CONFIDENTIAL//NOFORN~~
Derived From: Derived from: Derived from previous message in thread.
Declassify On: 2021/03/29

From: Johnson, Clifton M
Sent: Tuesday, March 29, 2011 10:50 AM
To: Schwartz, Jonathan B (Legal); Malin, Mary Catherine
Cc: Biniarz, Susan; Wilson, Kathleen A
Subject: FW: Abu Omar appellate decision - summary re: US defendants

B5
D5

Best, Cliff

This document is UNCLASSIFIED//NOFORN when separated from CONFIDENTIAL//NOFORN attachment(s).

Sensitivity: Sensitive
Classification: CONFIDENTIAL//NOFORN
Classified by: Clifton M. Johnson, Assistant Legal Adviser, L/LEI, DOS
Reason: 1.4(b), (c), (d)

Declassify On: 2021/03/29

From: Nardini, William J

Sent: Tuesday, March 15, 2011 6:12 PM

To: Nardini, William J; Thorne, David H (Rome); Johnson, Clifton M; 'Swartz, Bruce'; 'Mary.Warlow@usdoj.sgov.gov'; 'stewart.robinson@usdoj.sgov.gov'; 'Newman, Charles L.'; 'Allen, Charles, Mr, DoD-OGC'; Hengel, Douglas C; Wasley, Liam J (Rome); Levandowsky, Jacqueline M; Iversen, Lisa O (Rome); Ouellette, James A; Schaff, Charles E (Rome); 'Hollis, Robert'; Wilson, Kathleen A; 'Wager, James CIV DoD GC'; 'Zehner, Michael SES SAF/GCI'; 'Miller, Craig G Col MIL USAF AF/JAO'; 'Monahan, Edward J AF/JAO'; Brown, Lee R; Ziff, Benjamin G (Rome); Perez, Carol Z (Milan); 'Donald Ashley (Donald.Ashley@usdoj.sgov.gov)'

Subject: Abu Omar appellate decision - summary re: US defendants

SENSITIVE BUT UNCLASSIFIED

B5
D5

B5
D5

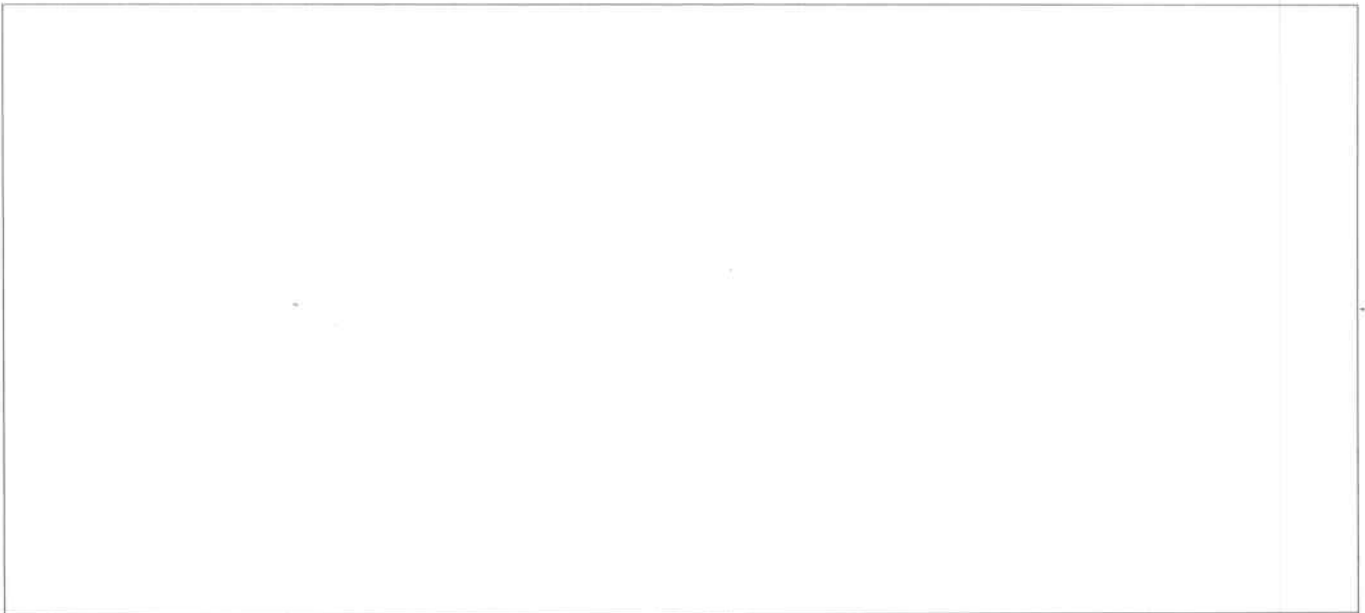
More info as I get a chance to digest the rest of the opinion.

--Bill

Sensitive
This email is UNCLASSIFIED.

From: Nardini, William J
Sent: Wednesday, December 15, 2010 6:49 PM
To: Thorne, David H (Rome); Nardini, William J; Johnson, Clifton M; 'Swartz, Bruce'; 'Mary.Warlow@usdoj.sgov.gov'; 'Newman, Charles L.'; 'Allen, Charles, Mr, DoD-OGC'; Hengel, Douglas C; Wasley, Liam J (Rome); Levandowsky, Jacqueline M; Iversen, Lisa O (Rome); Ouellette, James A; Schaff, Charles E (Rome); 'Hollis, Robert'; Wilson, Kathleen A; 'Wager, James CIV DoD GC'; 'Zehner, Michael SES SAF/GCI'; 'Miller, Craig G Col MIL USAF AF/JAO'; 'Monahan, Edward J AF/JAO'; Brown, Lee R; Ziff, Benjamin G (Rome); Perez, Carol Z (Milan); Donald Ashley (Donald.Ashley@usdoj.sgov.gov)
Subject: Abu Omar appeal update: U.S. convictions affirmed, sentences increased

B5
D5



B5
D5

Bill

RELEASE IN PART
B1,B5,K1,1.4(D),D5,1.4(C)

Schnotala, Veronica

From: Chabora, Paige E
Sent: Thursday, July 12, 2012 1:29 PM
To: Wilson, Kathleen A; Johnson, Clifton M; Schwartz, Jonathan B; Heinemann, Thomas B; Malin, Mary Catherine
Cc: Gresser, James A; Chabora, Paige E
Subject: RE: DeSousa Case - Italy Immunity
Attachments: LEGAL-#155824-v1-Omar_Rendition_IA_Imm_paper.doc; LEGAL-#155837-v1-Omar_Rendition_IA_Imm_(leg_anal_).doc

1.4(C)
1.4(D)
B1
B5
D5
K1

From: Wilson, Kathleen A
Sent: Thursday, July 12, 2012 11:15 AM
To: Johnson, Clifton M; Schwartz, Jonathan B (Legal); Heinemann, Thomas B; Malin, Mary Catherine
Cc: Gresser, James A; Chabora, Paige E
Subject: RE: DeSousa Case - Italy Immunity

Looping in Paige as well. KAW

Sensitivity: Sensitive
Classification: ~~SECRET//NOFORN~~
Classified by: Cliff Johnson, Office Director
Reason: 1.4(c), (d)
Declassify On: 50X1- HUM

From: Johnson, Clifton M
Sent: Thursday, July 12, 2012 10:05 AM
To: Schwartz, Jonathan B (Legal); Heinemann, Thomas B; Malin, Mary Catherine
Cc: Gresser, James A; Wilson, Kathleen A
Subject: DeSousa Case - Italy Immunity

Secret/nodis

Jon/Tom/MCM,

1.4(C)
1.4(D)
B1
B5
D5
K1

1.4(C)
1.4(D)
B1
B5
D5
K1

Best, Cliff

RELEASE IN PART
B5,D5,B6

Edwards, Ronako

From: Mehta, Jason P
Sent: Monday, July 16, 2012 5:51 PM
To: Wilson, Kathleen A; Dorosin, Joshua L
Cc: Davis, Jonathan E
Subject: RE: Italy/ diplomatic immunity

Kathleen –

B5
D5

Apologies again for the delay in responding.

Thanks!

Jason

From: Wilson, Kathleen A
Sent: Thursday, July 12, 2012 11:32 AM
To: Dorosin, Joshua L; Mehta, Jason P
Subject: FW: Italy/ diplomatic immunity

B5
D5

Also, let me know if either of you wants to be looped in on this chain, and/or clear on such info memo, going forward. Thanks – KAW

SBU

This email is UNCLASSIFIED.

From: Schwartz, Jonathan B
Sent: Thursday, July 12, 2012 9:43 AM
To: Heinemann, Thomas B; Wilson, Kathleen A; Malin, Mary Catherine; Gresser, James A; Gahan, Kimberly A; Moore, Holly; Chabora, Paige E; Sullivan, David J
Cc: Johnson, Clifton M
Subject: RE: Italy/ diplomatic immunity

B5
D5

From: Heinemann, Thomas B
Sent: Thursday, July 12, 2012 9:03 AM
To: Wilson, Kathleen A; Malin, Mary Catherine; Gresser, James A; Gahan, Kimberly A; Schwartz, Jonathan B; Moore, Holly; Chabora, Paige E; Sullivan, David J
Cc: Johnson, Clifton M
Subject: RE: Italy/ diplomatic immunity

B5
D5

From: Wilson, Kathleen A
Sent: Thursday, July 12, 2012 9:02 AM
To: Malin, Mary Catherine; Gresser, James A; Gahan, Kimberly A; Schwartz, Jonathan B; Moore, Holly; Chabora, Paige E; Sullivan, David J
Cc: Heinemann, Thomas B; Johnson, Clifton M
Subject: Re: Italy/ diplomatic immunity

Sorry for the confusion about the date; I was optimistically thinking today was Friday.

B5
D5

From: Malin, Mary Catherine
Sent: Thursday, July 12, 2012 08:47 AM
To: Gresser, James A; Gahan, Kimberly A; Wilson, Kathleen A; Schwartz, Jonathan B; Moore, Holly; Chabora, Paige E; Sullivan, David J
Cc: Heinemann, Thomas B; Johnson, Clifton M
Subject: RE: Italy/ diplomatic immunity

For the L/DI part:

B5
D5

This email is UNCLASSIFIED.

From: Gresser, James A
Sent: Thursday, July 12, 2012 8:27 AM
To: Gahan, Kimberly A; Wilson, Kathleen A; Bentes, Julianna W; Schwartz, Jonathan B; Moore, Holly; Chabora, Paige E; Malin, Mary Catherine; Sullivan, David J
Cc: Heinemann, Thomas B; Johnson, Clifton M
Subject: RE: Italy/ diplomatic immunity

Kathleen and Mary Catherine:

I'm working from home today and limited to the

Go.State.Gov Kiosk mode so I can't access my old DeSousa files, but I'm sure Cliff Johnson has everything I have and more.

Jim

B5
D5

From: Gahan, Kimberly A
Sent: Thursday, July 12, 2012 8:13 AM
To: Gahan, Kimberly A; Wilson, Kathleen A; Bentes, Julianna W; Schwartz, Jonathan B; Gresser, James A; Moore, Holly; Chabora, Paige E; Malin, Mary Catherine
Cc: Heinemann, Thomas B; Johnson, Clifton M
Subject: RE: Italy/ diplomatic immunity

Realizing now this is front page today, rather than tomorrow. Any off-the-shelf background I can provide?

thanks

Kimberly A. Gahan
Special Assistant
Office of the Legal Adviser
U.S. Department of State
tel: (202) 647-7970

This email is UNCLASSIFIED.

From: Gahan, Kimberly A
Sent: Thursday, July 12, 2012 7:43 AM
To: Wilson, Kathleen A; Bentes, Julianna W; Schwartz, Jonathan B; Gresser, James A; Moore, Holly; Chabora, Paige E; Malin, Mary Catherine
Cc: Heinemann, Thomas B; Johnson, Clifton M
Subject: Re: Italy/ diplomatic immunity

B5
D5

Thanks,
K

From: Wilson, Kathleen A
Sent: Thursday, July 12, 2012 12:14 AM
To: Bentes, Julianna W; Schwartz, Jonathan B; Gresser, James A; Moore, Holly; Chabora, Paige E; Malin, Mary Catherine
Cc: Heinemann, Thomas B; Johnson, Clifton M; Gahan, Kimberly A
Subject: Italy/ diplomatic immunity

B5
D5

From: Bentes, Julianna W
Sent: Monday, June 25, 2012 06:41 PM
To: Schwartz, Jonathan B; Gresser, James A; Moore, Holly; Chabora, Paige E; Malin, Mary Catherine
Cc: Heinemann, Thomas B; Johnson, Clifton M; Gahan, Kimberly A; Wilson, Kathleen A
Subject: RE: diplomatic immunity

I left a message for Molly (PA) to this effect.

From: Schwartz, Jonathan B
Sent: Monday, June 25, 2012 6:27 PM
To: Gresser, James A; Moore, Holly; Bentes, Julianna W; Chabora, Paige E; Malin, Mary Catherine
Cc: Heinemann, Thomas B; Johnson, Clifton M; Gahan, Kimberly A; Wilson, Kathleen A
Subject: RE: diplomatic immunity

B5
D5

From: Gresser, James A
Sent: Monday, June 25, 2012 6:15 PM
To: Schwartz, Jonathan B; Moore, Holly; Bentes, Julianna W; Chabora, Paige E; Malin, Mary Catherine
Cc: Heinemann, Thomas B; Johnson, Clifton M; Gahan, Kimberly A; Wilson, Kathleen A
Subject: RE: diplomatic immunity

Jonathan:

B5
D5

Jim

From: Schwartz, Jonathan B
Sent: Monday, June 25, 2012 5:55 PM
To: Gresser, James A; Moore, Holly; Bentes, Julianna W; Chabora, Paige E; Malin, Mary Catherine
Cc: Heinemann, Thomas B; Johnson, Clifton M; Gahan, Kimberly A
Subject: RE: diplomatic immunity

B5
D5

From: Gresser, James A
Sent: Monday, June 25, 2012 5:34 PM
To: Moore, Holly; Bentes, Julianna W; Chabora, Paige E; Malin, Mary Catherine; Schwartz, Jonathan B

Cc: Heinemann, Thomas B; Johnson, Clifton M; Gahan, Kimberly A
Subject: RE: diplomatic immunity

B5
D5

From: Moore, Holly
Sent: Monday, June 25, 2012 5:28 PM
To: Bentes, Julianna W; Chabora, Paige E; Malin, Mary Catherine; Schwartz, Jonathan B
Cc: Gresser, James A; Heinemann, Thomas B; Johnson, Clifton M; Gahan, Kimberly A
Subject: RE: diplomatic immunity

All –

B5
D5

Thanks, htm

From: Bentes, Julianna W
Sent: Monday, June 25, 2012 4:12 PM
To: Chabora, Paige E; Moore, Holly; Malin, Mary Catherine
Cc: Gresser, James A; Heinemann, Thomas B
Subject: RE: diplomatic immunity

B5
D5

From: Westrate, Molly Lynn (PACE) [mailto:WestrateML@state.gov]
Sent: Monday, June 25, 2012 3:39 PM
To: Chabora, Paige E; Moore, Holly; Malin, Mary Catherine
Cc: Gresser, James A; Bentes, Julianna W
Subject: RE: diplomatic immunity

This back from the reporter:

I was hoping to speak with someone about diplomatic immunity cases, in general -- not about that particular diplomatic case. I was hoping to help readers understand if this was unprecedented or not, or whether there other cases in which Americans listed as State Dept diplomats had been denied immunity. Again, I don't need to talk about that specific case. Just these *kinds* of cases. And I'll make it clear in the piece that State said it cannot comment on this specific case. Just trying to help out the reader who might have some obvious and basic questions about how immunity works, really, that's all.

ML Westrate

PA/PRS

P: (202) 647-1233

C: [REDACTED]

E: WestrateML@state.gov

B6

From: Chabora, Paige E [mailto:ChaboraPE@state.gov]
Sent: Monday, June 25, 2012 3:02 PM
To: Moore, Holly; Malin, Mary Catherine
Cc: Gresser, James A; Bentes, Julianna W; Westrate, Molly Lynn (PACE)
Subject: Re: diplomatic immunity

[REDACTED]

B5
D5

From: Moore, Holly
Sent: Monday, June 25, 2012 02:58 PM
To: Chabora, Paige E; Malin, Mary Catherine
Cc: Gresser, James A; Bentes, Julianna W; Westrate, Molly Lynn (PACE)
Subject: RE: diplomatic immunity

MC and Paige --

[REDACTED]

B5
D5

From: Benda, Susan
Sent: Monday, June 25, 2012 2:36 PM
To: Westrate, Molly Lynn (PACE); Bentes, Julianna W
Cc: Moore, Holly; Gresser, James A
Subject: RE: diplomatic immunity

Adding Jim Gresser --

From: Westrate, Molly Lynn (PACE) [mailto:WestrateML@state.gov]
Sent: Monday, June 25, 2012 2:33 PM
To: Bentes, Julianna W; Benda, Susan
Cc: Moore, Holly
Subject: RE: diplomatic immunity

Julianna:

B5
D5

ML Westrate
PA/PRS
P: (202) 647-1233
C: [REDACTED]
E: WestrateML@state.gov

B6

From: Bentes, Julianna W [mailto:BentesJW@state.gov]
Sent: Monday, June 25, 2012 2:31 PM
To: Benda, Susan; Westrate, Molly Lynn (PACE)
Cc: Moore, Holly
Subject: RE: diplomatic immunity

B5
D5

All the best,
Julianna

From: Benda, Susan
Sent: Monday, June 25, 2012 2:23 PM
To: Westrate, Molly Lynn (PACE)
Cc: Bentes, Julianna W; Moore, Holly
Subject: RE: diplomatic immunity

Why don't you call Julianna – she's in and this is her's –
Thx
Susan

From: Westrate, Molly Lynn (PACE) [mailto:WestrateML@state.gov]
Sent: Monday, June 25, 2012 1:22 PM
To: Benda, Susan
Cc: Bentes, Julianna W
Subject: RE: diplomatic immunity

B5
D5

ML Westrate
PA/PRS
P: (202) 647-1233
C: [REDACTED]
E: WestrateML@state.gov

B6

From: Benda, Susan [mailto:BENDAS@state.gov]
Sent: Monday, June 25, 2012 10:39 AM
To: Westrate, Molly Lynn (PACE)
Cc: Bentes, Julianna W
Subject: RE: diplomatic immunity

B5
D5

From: Westrate, Molly Lynn (PACE) [mailto:WestrateML@state.gov]
Sent: Monday, June 25, 2012 10:28 AM
To: Benda, Susan
Subject: RE: diplomatic immunity

I don't think so. Do you mind contacting the reporter?

ML Westrate
PA/PRS
P: (202) 647-1233
C:
E: WestrateML@state.gov

B6

From: Benda, Susan [mailto:BENDAS@state.gov]
Sent: Monday, June 25, 2012 10:19 AM
To: Westrate, Molly Lynn (PACE)
Cc: Ventrell, Patrick H; Laine, Andrew J (PACE); Starr, Katherine L
Subject: RE: diplomatic immunity

Did someone else handle in my absence?

Susan

From: Westrate, Molly Lynn (PACE) [mailto:WestrateML@state.gov]
Sent: Thursday, June 21, 2012 12:11 PM
To: Benda, Susan
Cc: Ventrell, Patrick H; Laine, Andrew J (PACE); Starr, Katherine L
Subject: FW: diplomatic immunity

Susan:

Received the below query. Is this a topic on which you feel comfortable discussing with the reporter? Many thanks!

ML Westrate
PA/PRS
P: (202) 647-1233
C:
E: WestrateML@state.gov

B6

From: <div data-bbox="201 1707 837 1749" style="border: 1px solid black; display: inline-block; width: 392px; height: 20px;"></div>	On Behalf Of Ian Shapira
Sent: Wednesday, June 20, 2012 4:10 PM	
To: Westrate, Molly Lynn (PACE)	
Subject: diplomatic immunity	

B6

Hi Molly Lynn,

I'm working on a piece that touches on the issue of diplomatic immunity.

I was hoping to speak with someone at the State Department about past cases in which the US waived immunity or did not invoke it for diplomats serving abroad.

The folks over at the AFSA suggested I speak with Susan Benda at State about it. They said she was an expert on these matters.

Let me know if you think this could be arranged. My deadline is Friday, though I might have wiggle room into Monday of next week.

I would just need about 10 minutes on the phone.

Sincerely,

Ian

--
Ian Shapira | The Washington Post
1150 15th Street N.W. | Washington, D.C. 20017
Office: +1 202-334-7572 | Mobile:
E mail: shapirai@washpost.com
www.twitter.com/ianshapira
<http://ianshapira.com/>

B6

RELEASE IN PART
B5,D5**Edwards, Ronako**

From: Heinemann, Thomas B
Sent: Wednesday, May 30, 2012 4:08 PM
To: Chabora, Paige E; Dorosin, Joshua L
Subject: RE: De Sousa: CADC briefing schedule

Classification: UNCLASSIFIED
SensitivityCode: Sensitive

Sure. So far I am pretty available tomorrow. When is good for you?

SBU
This email is UNCLASSIFIED.

From: Chabora, Paige E
Sent: Wednesday, May 30, 2012 4:00 PM
To: Heinemann, Thomas B; Dorosin, Joshua L
Subject: FW: De Sousa: CADC briefing schedule

B5
D5

From: Byron, H. Thomas (CIV) [<mailto:H.Thomas.Byron@usdoj.gov>]
Sent: Wednesday, May 30, 2012 3:58 PM
To: Chabora, Paige E; MARGAMO0@ucia.gov
Cc: Loeb, Robert (CIV); Bowen, Brigham (CIV); Littleton, Judson O. (CIV)
Subject: De Sousa: CADC briefing schedule

B5
D5

Thanks,
Tom

H. Thomas Byron III
Civil Division, Appellate Staff
U.S. Department of Justice
Main (RFK) Room 7260
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Ph: (202) 616-5367
Fx: (202) 514-8151
H.Thomas.Byron@usdoj.gov

RELEASE IN PART
B5,D5

Edwards, Ronako

From: Chabora, Paige E
Sent: Monday, January 09, 2012 11:05 AM
To: Dodge, William S; Gahan, Kimberly A; Malin, Mary Catherine; Osborn, Judith L; Dorosin, Joshua L; Gleeson, Kevin M
Cc: Chabora, Paige E
Subject: FW: Activity in Case 1:09-cv-00896-BAH DE SOUSA v. DEPARTMENT OF STATE et al Order on Motion to Dismiss
Attachments: 65 - Mem Op re MTD, Mot for Leave to File 2AC, and Mot for Status Conf.pdf; 66 - Order Granting MTD, Denying Mot for Leave to File 2AC, Denying Mot for Status Conf.pdf

SMARTCategory: Working

All,



B5
D5

The court's opinion is attached.
Best,
Paige

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Thursday, January 05, 2012 8:46 PM
To: Johnson, Clifton M; Chabora, Paige E
Cc: Littleton, Judson O. (CIV)
Subject: FW: Activity in Case 1:09-cv-00896-BAH DE SOUSA v. DEPARTMENT OF STATE et al Order on Motion to Dismiss

Paige (and Cliff),



B5
D5

Thanks,

Brigham

From: DCD_ECFNotice@dcd.uscourts.gov [mailto:DCD_ECFNotice@dcd.uscourts.gov]
Sent: Thursday, January 05, 2012 6:50 PM
To: DCD_ECFNotice@dcd.uscourts.gov
Subject: Activity in Case 1:09-cv-00896-BAH DE SOUSA v. DEPARTMENT OF STATE et al Order on Motion to Dismiss

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U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was entered on 1/5/2012 at 6:49 PM EDT and filed on 1/5/2012

Case Name: DE SOUSA v. DEPARTMENT OF STATE et al

Case Number: 1:09-cv-00896-BAH

Filer:

Document Number: 66

Docket Text:

ORDER granting [22] defendants' motion to dismiss for the reasons stated in the accompanying Memorandum Opinion; denying [55] plaintiff's motion for leave to file a Second Amended Complaint for the reasons stated in the accompanying Memorandum Opinion; and denying as moot [56] plaintiff's motion for status conference regarding the proposed Second Amended Complaint. Signed by Judge Beryl A. Howell on 1/5/2012. (lcbah2)

1:09-cv-00896-BAH Notice has been electronically mailed to:

Mark S. Zaid Mark@MarkZaid.com, ZaidMS@aol.com

Brigham John Bowen brigham.bowen@usdoj.gov

Bradley P. Moss brad@markzaid.com

Ilana Greenstein ilana@markzaid.com

Judson Owen Littleton judson.o.littleton@usdoj.gov

1:09-cv-00896-BAH Notice will be delivered by other means to::

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:suppressed

Electronic document Stamp:

[STAMP dcecfStamp_ID=973800458 [Date=1/5/2012] [FileNumber=3153572-0]
[6abc500d17d98061ec158bd148c7cab32b4c69a7cccc2aa637e41401cdcdf6712bfef
5b7ad23c8898e28bf009f653ae9d430885de62d469e2930f623e1f2f94c]]

RELEASE IN PART
B5,D5

Edwards, Ronako

From: Chabora, Paige E
Sent: Wednesday, December 21, 2011 2:13 PM
To: Dorosin, Joshua L; Gleeson, Kevin M; Heinemann, Thomas B
Subject: FW: Activity in Case 1:09-cv-00896-BAH DE SOUSA v. DEPARTMENT OF STATE et al
Reply to opposition to Motion
Attachments: 09-896 DDC 063 De Sousa Reply re mot to amend 12-20-11.pdf; 09-896 DDC 064 De
Sousa Reply re mot for in camera status conference 12-20-11.pdf

Here is the latest filing in this case.

[\[Redacted\]](#)

B5
D5

Thanks,
Paige

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Tuesday, December 20, 2011 2:33 PM
To: Chabora, Paige E
Cc: Johnson, Clifton M; Littleton, Judson O. (CIV)
Subject: FW: Activity in Case 1:09-cv-00896-BAH DE SOUSA v. DEPARTMENT OF STATE et al Reply to opposition to Motion

Attached are Plaintiffs' replies re: (1) the motion for leave to amend and (2) the motion for an in camera status conference. We have not yet reviewed but wanted to forward on as quickly as possible, given the holidays. Thoughts welcome.

From: DCD ECFNotice@dcd.uscourts.gov [mailto:DCD_ECFNotice@dcd.uscourts.gov]
Sent: Tuesday, December 20, 2011 2:19 PM
To: DCD_ECFNotice@dcd.uscourts.gov
Subject: Activity in Case 1:09-cv-00896-BAH DE SOUSA v. DEPARTMENT OF STATE et al Reply to opposition to Motion

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was entered by Zaid, Mark on 12/20/2011 at 2:18 PM EDT and filed on 12/20/2011

Case Name: DE SOUSA v. DEPARTMENT OF STATE et al

Case Number: 1:09-cv-00896-BAH

Filer: SABRINA DE SOUSA

Document Number: 63

Docket Text:

REPLY to opposition to motion re [55] MOTION for Leave to File *Second Amended Complaint* filed by SABRINA DE SOUSA. (Zaid, Mark)

1:09-cv-00896-BAH Notice has been electronically mailed to:

Bradley P. Moss brad@markzaid.com

Brigham John Bowen brigham.bowen@usdoj.gov

Ilana Greenstein ilana@markzaid.com

Judson.Owen Littleton judson.o.littleton@usdoj.gov

Mark S. Zaid Mark@MarkZaid.com, ZaidMS@aol.com

1:09-cv-00896-BAH Notice will be delivered by other means to::

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:suppressed

Electronic document Stamp:

[STAMP dcecfStamp_ID=973800458 [Date=12/20/2011] [FileNumber=3140313-0]
] [0a76f46c545df4a2dfc1c0c66b2ce6dcb5f08a5c4fb8015e5fd2b1737fff9c8efbf
dfeb3d381609f5159520e4fef3c649a0aeae6f6b4b6ab16b211b8d6920096]]

RELEASE IN PART
B5,D5

Edwards, Ronako

From: Bowen, Brigham (CIV) <Brigham.Bowen@usdoj.gov>
Sent: Tuesday, November 15, 2011 2:48 PM
To: Gleeson, Kevin M
Cc: Chabora, Paige E; Johnson, Clifton M; Littleton, Judson O. (CIV); Patton, Dorothy P; Dorosin, Joshua L
Subject: RE: De Sousa Defs reply re MTD 11-15-11 11 am COMPARE.docx

B5
D5

From: Bowen, Brigham (CIV)
Sent: Tuesday, November 15, 2011 2:40 PM
To: Gleeson, Kevin M
Cc: Chabora, Paige E; Johnson, Clifton M; Littleton, Judson O. (CIV); Patton, Dorothy P; Dorosin, Joshua L
Subject: RE: De Sousa Defs reply re MTD 11-15-11 11 am COMPARE.docx

Thanks.

B5
D5

From: Gleeson, Kevin M [<mailto:GleesonKM@state.gov>]
Sent: Tuesday, November 15, 2011 2:26 PM
To: Bowen, Brigham (CIV)
Cc: Chabora, Paige E; Johnson, Clifton M; Littleton, Judson O. (CIV); Patton, Dorothy P; Dorosin, Joshua L
Subject: De Sousa Defs reply re MTD 11-15-11 11 am COMPARE.docx

B5
D5

Thanks.

Kevin

RELEASE IN PART
B5,D5

Edwards, Ronako

From: Patton, Dorothy P
Sent: Tuesday, November 15, 2011 12:49 PM
To: 'Bowen, Brigham (CIV)'; Gleeson, Kevin M
Cc: Chabora, Paige E; Johnson, Clifton M; 'Littleton, Judson O. (CIV)'; Dorosin, Joshua L
Subject: RE: De Sousa Defs reply re MTD (2) (2) (2).docx

Classification: UNCLASSIFIED
SensitivityCode: Sensitive

B5
D5

Dorothy P. Patton
Attorney-Adviser, L/M
Office of the Legal Adviser
U.S. Department of State
(202) 647-2195

SBU
This email is UNCLASSIFIED.

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Tuesday, November 15, 2011 11:56 AM
To: Gleeson, Kevin M
Cc: Chabora, Paige E; Johnson, Clifton M; Littleton, Judson O. (CIV); Patton, Dorothy P; Dorosin, Joshua L
Subject: RE: De Sousa Defs reply re MTD (2) (2) (2).docx

All,

B5
D5

Thanks,

Brigham

From: Gleeson, Kevin M [<mailto:GleesonKM@state.gov>]
Sent: Monday, November 14, 2011 4:37 PM
To: Bowen, Brigham (CIV)
Cc: Chabora, Paige E; Johnson, Clifton M; Patton, Dorothy P; Gleeson, Kevin M; Dorosin, Joshua L
Subject: De Sousa Defs reply re MTD (2) (2) (2).docx

B5
D5

Kevin

RELEASE IN PART
B5,D5**Edwards, Ronako**

From: Bowen, Brigham (CIV) <Brigham.Bowen@usdoj.gov>
Sent: Tuesday, November 15, 2011 11:56 AM
To: Gleeson, Kevin M
Cc: Chabora, Paige E; Johnson, Clifton M; Littleton, Judson O. (CIV); Patton, Dorothy P; Dorosin, Joshua L
Subject: RE: De Sousa Defs reply re MTD (2) (2) (2).docx
Attachments: De Sousa Defs reply re MTD 11-15-11 11 am COMPARE.docx

All,

B5
D5

Thanks,

Brigham

From: Gleeson, Kevin M [<mailto:GleesonKM@state.gov>]
Sent: Monday, November 14, 2011 4:37 PM
To: Bowen, Brigham (CIV)
Cc: Chabora, Paige E; Johnson, Clifton M; Patton, Dorothy P; Gleeson, Kevin M; Dorosin, Joshua L
Subject: De Sousa Defs reply re MTD (2) (2) (2).docx

B5
D5

Kevin

RELEASE IN PART
B5,D5

Edwards, Ronako

From: Gleeson, Kevin M
Sent: Monday, November 14, 2011 6:26 PM
To: 'Bowen, Brigham (CIV)'
Cc: Chabora, Paige E; Johnson, Clifton M; Patton, Dorothy P; Dorosin, Joshua L; 'Littleton, Judson O. (CIV)'
Subject: RE: De Sousa Defs reply re MTD (2) (2) (2).docx

I should be in just after 10:00 tomorrow. We can talk then.

Kevin

Kevin M. Gleeson
Office Director
Attorney-Adviser, L/M/DS
Office of the Legal Adviser
U.S. Department of State
Tel: (571) 345-3006 (x5-3006)

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Monday, November 14, 2011 6:15 PM
To: Gleeson, Kevin M
Cc: Chabora, Paige E; Johnson, Clifton M; Patton, Dorothy P; Dorosin, Joshua L; Littleton, Judson O. (CIV)
Subject: RE: De Sousa Defs reply re MTD (2) (2) (2).docx

[Redacted]

B5
D5

Brigham

From: Gleeson, Kevin M [<mailto:GleesonKM@state.gov>]
Sent: Monday, November 14, 2011 4:37 PM
To: Bowen, Brigham (CIV)
Cc: Chabora, Paige E; Johnson, Clifton M; Patton, Dorothy P; Gleeson, Kevin M; Dorosin, Joshua L
Subject: De Sousa Defs reply re MTD (2) (2) (2).docx

[Redacted]

B5
D5

Kevin

RELEASE IN PART
B5,D5

Edwards, Ronako

From: Chabora, Paige E
Sent: Monday, November 14, 2011 11:10 AM
To: Johnson, Clifton M; Patton, Dorothy P; Gleeson, Kevin M
Cc: Chabora, Paige E; Dorosin, Joshua L
Subject: De Sousa Defs reply re MTD (2) (2).docx
Attachments: De Sousa Defs reply re MTD (2) (2).docx



B5
D5

RELEASE IN PART
B5,D5

Edwards, Ronako

From: Chabora, Paige E
Sent: Monday, November 14, 2011 10:57 AM
To: Chabora, Paige E; Johnson, Clifton M; Patton, Dorothy P; Gleeson, Kevin M
Cc: Dorosin, Joshua L
Subject: RE: De Sousa Defs reply re MTD (2).DOCX

Just checking back with everyone. We should get comments back to DOJ today, as the filing date is tomorrow.

From: Chabora, Paige E
Sent: Thursday, November 10, 2011 4:03 PM
To: Johnson, Clifton M; Patton, Dorothy P; Gleeson, Kevin M
Cc: Dorosin, Joshua L; Chabora, Paige E
Subject: De Sousa Defs reply re MTD (2).DOCX

Hi all,

B5
D5

Thanks,
Paige

RELEASE IN PART
B5,D5**Edwards, Ronako**

From: Gleeson, Kevin M
Sent: Wednesday, November 09, 2011 3:10 PM
To: Dorosin, Joshua L; Chabora, Paige E; Patton, Dorothy P
Cc: Joyce, Anne; Singh, Ashika
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Classification: UNCLASSIFIED
SensitivityCode: Sensitive

B5
D5KMG**Kevin M. Gleeson**

Office Director
Attorney-Adviser, L/M/DS
Office of the Legal Adviser
U.S. Department of State
Tel: (571) 345-3006 (x5-3006)

SBU

This email is UNCLASSIFIED.

From: Dorosin, Joshua L
Sent: Wednesday, November 09, 2011 11:50 AM
To: Chabora, Paige E; Patton, Dorothy P
Cc: Joyce, Anne; Gleeson, Kevin M; Singh, Ashika
Subject: RE: De Sousa Defs mot to extend time 10-25-11

B5
D5

From: Chabora, Paige E
Sent: Wednesday, November 09, 2011 11:46 AM
To: Patton, Dorothy P
Cc: Dorosin, Joshua L; Joyce, Anne
Subject: FW: De Sousa Defs mot to extend time 10-25-11

B5
D5

Thanks for your help,
Paige

From: Bowen, Brigham (CIV) [mailto:Brigham.Bowen@usdoj.gov]
Sent: Wednesday, November 09, 2011 10:48 AM
To: Chabora, Paige E
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

B5
D5

From: Bowen, Brigham (CIV) [mailto:Brigham.Bowen@usdoj.gov]
Sent: Tuesday, November 08, 2011 5:35 PM
To: Chabora, Paige E
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Thanks, Paige.

B5
D5

From: Chabora, Paige E [mailto:ChaboraPE@state.gov]
Sent: Tuesday, November 08, 2011 4:01 PM
To: Bowen, Brigham (CIV)
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M; Chabora, Paige E
Subject: Re: De Sousa Defs mot to extend time 10-25-11

Brigham,

Apologies for any weird formatting as I am sending this from a blackberry.

B5
D5

Thanks,
Paige

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Tuesday, November 08, 2011 01:00 PM
To: Chabora, Paige E
Cc: Littleton, Judson O. (CIV) <Judson.O.Littleton@usdoj.gov>; Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Thanks. Bearing in mind the holiday on Friday and the early deadline next week, we're eager to hear back.

From: Chabora, Paige E [<mailto:ChaboraPE@state.gov>]
Sent: Tuesday, November 08, 2011 12:52 PM
To: Bowen, Brigham (CIV)
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

B5
D5

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Monday, November 07, 2011 4:57 PM
To: Chabora, Paige E
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Paige,

Do we have an update to the query below re: Privacy Act/routine use?

From: Chabora, Paige E [<mailto:ChaboraPE@state.gov>]
Sent: Thursday, October 27, 2011 3:41 PM
To: Bowen, Brigham (CIV)
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Brigham,

B5
D5

Thanks,
Paige

From: Johnson, Clifton M
Sent: Tuesday, October 25, 2011 3:29 PM
To: 'Bowen, Brigham (CIV)'
Cc: Littleton, Judson O. (CIV); Chabora, Paige E
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Brigham,
Thanks – fine with us. Cliff

SBU
This email is UNCLASSIFIED.

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Tuesday, October 25, 2011 1:44 PM
To: Johnson, Clifton M; Chabora, Paige E
Cc: Littleton, Judson O. (CIV)
Subject: De Sousa Defs mot to extend time 10-25-11

B5
D5

Thanks,

Brigham

Brigham J. Bowen
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883, 20 Massachusetts Ave., N.W.
Washington, D.C. 20044
Phone: (202) 514-6289

RELEASE IN PART
B5,D5

Edwards, Ronako

From: Gleeson, Kevin M
Sent: Wednesday, November 09, 2011 12:32 PM
To: Dorosin, Joshua L; Chabora, Paige E; Patton, Dorothy P
Cc: Joyce, Anne; Singh, Ashika
Subject: Re: De Sousa Defs mot to extend time 10-25-11

I'll look at this when I get in after 1:00.

Kevin M. Gleeson
Office Director
Attorney-Adviser, L/M/DS
U.S. Department of State

From: Dorosin, Joshua L
Sent: Wednesday, November 09, 2011 11:50 AM
To: Chabora, Paige E; Patton, Dorothy P
Cc: Joyce, Anne; Gleeson, Kevin M; Singh, Ashika
Subject: RE: De Sousa Defs mot to extend time 10-25-11

B5
D5

From: Chabora, Paige E
Sent: Wednesday, November 09, 2011 11:46 AM
To: Patton, Dorothy P
Cc: Dorosin, Joshua L; Joyce, Anne
Subject: FW: De Sousa Defs mot to extend time 10-25-11

B5
D5

From: Bowen, Brigham (CIV) [mailto:Brigham.Bowen@usdoj.gov]
Sent: Wednesday, November 09, 2011 10:48 AM
To: Chabora, Paige E
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

B5
D5

From: Bowen, Brigham (CIV) [mailto:Brigham.Bowen@usdoj.gov]
Sent: Tuesday, November 08, 2011 5:35 PM
To: Chabora, Paige E
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Thanks, Paige.

B5
D5

From: Chabora, Paige E [mailto:ChaboraPE@state.gov]
Sent: Tuesday, November 08, 2011 4:01 PM
To: Bowen, Brigham (CIV)
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M; Chabora, Paige E
Subject: Re: De Sousa Defs mot to extend time 10-25-11

Brigham,

B5
D5

Thanks,
Paige

From: Bowen, Brigham (CIV) [mailto:Brigham.Bowen@usdoj.gov]
Sent: Tuesday, November 08, 2011 01:00 PM
To: Chabora, Paige E
Cc: Littleton, Judson O. (CIV) <Judson.O.Littleton@usdoj.gov>; Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Thanks. Bearing in mind the holiday on Friday and the early deadline next week, we're eager to hear back.

From: Chabora, Paige E [<mailto:ChaboraPE@state.gov>]
Sent: Tuesday, November 08, 2011 12:52 PM
To: Bowen, Brigham (CIV)
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

B5
D5

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Monday, November 07, 2011 4:57 PM
To: Chabora, Paige E
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Paige,

Do we have an update to the query below re: Privacy Act/routine use?

From: Chabora, Paige E [<mailto:ChaboraPE@state.gov>]
Sent: Thursday, October 27, 2011 3:41 PM
To: Bowen, Brigham (CIV)
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Brigham,

B5
D5

Thanks,
Paige

From: Johnson, Clifton M
Sent: Tuesday, October 25, 2011 3:29 PM
To: 'Bowen, Brigham (CIV)'
Cc: Littleton, Judson O. (CIV); Chabora, Paige E
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Brigham,
Thanks – fine with us. Cliff

SBU
This email is UNCLASSIFIED.

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Tuesday, October 25, 2011 1:44 PM

To: Johnson, Clifton M; Chabora, Paige E
Cc: Littleton, Judson O. (CIV)
Subject: De Sousa Defs mot to extend time 10-25-11



B5
D5

Thanks,

Brigham

Brigham J. Bowen
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883, 20 Massachusetts Ave., N.W.
Washington, D.C. 20044
Phone: (202) 514-6289

Edwards, Ronako

RELEASE IN PART
B5,D5

From: Chabora, Paige E
Sent: Wednesday, November 09, 2011 11:46 AM
To: Patton, Dorothy P
Cc: Dorosin, Joshua L; Joyce, Anne
Subject: FW: De Sousa Defs mot to extend time 10-25-11

B5
D5

Thanks for your help,
Paige

From: Bowen, Brigham (CIV) [mailto:Brigham.Bowen@usdoj.gov]
Sent: Wednesday, November 09, 2011 10:48 AM
To: Chabora, Paige E
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

B5
D5

From: Bowen, Brigham (CIV) [mailto:Brigham.Bowen@usdoj.gov]
Sent: Tuesday, November 08, 2011 5:35 PM
To: Chabora, Paige E
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Thanks, Paige.

B5
D5

From: Chabora, Paige E [mailto:ChaboraPE@state.gov]
Sent: Tuesday, November 08, 2011 4:01 PM
To: Bowen, Brigham (CIV)
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M; Chabora, Paige E
Subject: Re: De Sousa Defs mot to extend time 10-25-11

Brigham,

Apologies for any weird formatting as I am sending this from a blackberry.

B5
D5

B5
D5

Thanks,
Paige

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Tuesday, November 08, 2011 01:00 PM
To: Chabora, Paige E
Cc: Littleton, Judson O. (CIV) <Judson.O.Littleton@usdoj.gov>; Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Thanks. Bearing in mind the holiday on Friday and the early deadline next week, we're eager to hear back.

From: Chabora, Paige E [<mailto:ChaboraPE@state.gov>]
Sent: Tuesday, November 08, 2011 12:52 PM
To: Bowen, Brigham (CIV)
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

B5
D5

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Monday, November 07, 2011 4:57 PM
To: Chabora, Paige E
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Paige,

Do we have an update to the query below re: Privacy Act/routine use?

From: Chabora, Paige E [<mailto:ChaboraPE@state.gov>]
Sent: Thursday, October 27, 2011 3:41 PM
To: Bowen, Brigham (CIV)

Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Brigham,

[Redacted]

B5
D5

Thanks,
Paige

From: Johnson, Clifton M
Sent: Tuesday, October 25, 2011 3:29 PM
To: 'Bowen, Brigham (CIV)'
Cc: Littleton, Judson O. (CIV); Chabora, Paige E
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Brigham,
Thanks – fine with us. Cliff

SBU
This email is UNCLASSIFIED.

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Tuesday, October 25, 2011 1:44 PM
To: Johnson, Clifton M; Chabora, Paige E
Cc: Littleton, Judson O. (CIV)
Subject: De Sousa Defs mot to extend time 10-25-11

[Redacted]

B5
D5

Thanks,

Brigham

Brigham J. Bowen
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883, 20 Massachusetts Ave., N.W.
Washington, D.C. 20044
Phone: (202) 514-6289

RELEASE IN PART
B5,D5

Edwards, Ronako

From: Chabora, Paige E
Sent: Tuesday, November 08, 2011 1:13 PM
To: Patton, Dorothy P; Dorosin, Joshua L
Cc: Chabora, Paige E
Subject: FW: De Sousa Defs mot to extend time 10-25-11

Forwarding the email below to confirm Josh's statement that DOJ is eager from us.

B5
D5

B5
D5

Thanks,
Paige

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Tuesday, November 08, 2011 1:01 PM
To: Chabora, Paige E
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Thanks. Bearing in mind the holiday on Friday and the early deadline next week, we're eager to hear back.

From: Chabora, Paige E [<mailto:ChaboraPE@state.gov>]
Sent: Tuesday, November 08, 2011 12:52 PM
To: Bowen, Brigham (CIV)
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

B5
D5

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Monday, November 07, 2011 4:57 PM
To: Chabora, Paige E
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Paige,

B5
D5

From: Chabora, Paige E [<mailto:ChaboraPE@state.gov>]
Sent: Thursday, October 27, 2011 3:41 PM
To: Bowen, Brigham (CIV)
Cc: Littleton, Judson O. (CIV); Johnson, Clifton M
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Brigham,

B5
D5

Thanks,
Paige

From: Johnson, Clifton M
Sent: Tuesday, October 25, 2011 3:29 PM
To: 'Bowen, Brigham (CIV)'
Cc: Littleton, Judson O. (CIV); Chabora, Paige E
Subject: RE: De Sousa Defs mot to extend time 10-25-11

Brigham,
Thanks – fine with us. Cliff

SBU
This email is UNCLASSIFIED.

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Tuesday, October 25, 2011 1:44 PM
To: Johnson, Clifton M; Chabora, Paige E
Cc: Littleton, Judson O. (CIV)
Subject: De Sousa Defs mot to extend time 10-25-11

B5
D5

Thanks,

Brigham

Brigham J. Bowen
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883, 20 Massachusetts Ave., N.W.
Washington, D.C. 20044
Phone: (202) 514-6289

RELEASE IN PART
B5,D5**Edwards, Ronako**

From: Chabora, Paige E
Sent: Tuesday, November 08, 2011 12:51 PM
To: Dorosin, Joshua L; Patton, Dorothy P
Subject: RE: De Sousa v. Dep't of State

Thank you both very much.

From: Dorosin, Joshua L
Sent: Tuesday, November 08, 2011 12:51 PM
To: Patton, Dorothy P
Cc: Chabora, Paige E
Subject: FW: De Sousa v. Dep't of State

Dorothy –

Best, Josh

B5
D5

From: Chabora, Paige E
Sent: Tuesday, November 08, 2011 7:53 AM
To: Dorosin, Joshua L
Cc: Johnson, Clifton M; Joyce, Anne
Subject: Re: De Sousa v. Dep't of State

Josh,

discuss?

Do you have a moment today to

B5
D5

Thanks.
Paige

From: Chabora, Paige E
Sent: Thursday, October 27, 2011 02:44 PM
To: Dorosin, Joshua L
Cc: Johnson, Clifton M; Chabora, Paige E; Joyce, Anne
Subject: RE: De Sousa v. Dep't of State

And I've just learned that an extension was granted and we now have until Nov 15 to file our responses. Thanks.

From: Chabora, Paige E
Sent: Thursday, October 27, 2011 3:37 PM
To: Joyce, Anne; Dorosin, Joshua L
Cc: Johnson, Clifton M
Subject: RE: De Sousa v. Dep't of State

B5
D5

Thanks,
Paige

From: Joyce, Anne
Sent: Wednesday, October 26, 2011 2:53 PM
To: Chabora, Paige E; Dorosin, Joshua L
Cc: Johnson, Clifton M
Subject: RE: De Sousa v. Dep't of State

Paige –

B5
D5

Josh – if you guys need our help, pls let me know. Thanks, Anne

From: Chabora, Paige E
Sent: Wednesday, October 26, 2011 12:55 PM
To: Dorosin, Joshua L; Joyce, Anne
Cc: Johnson, Clifton M; Chabora, Paige E
Subject: FW: De Sousa v. Dep't of State

Josh, Ann,

B5
D5

Thanks,
Paige

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Tuesday, October 25, 2011 10:42 AM
To: Chabora, Paige E; Johnson, Clifton M
Cc: Littleton, Judson O. (CIV)
Subject: De Sousa v. Dep't of State

Cliff and Paige,

B5
D5

Thanks,

Brigham

Brigham J. Bowen
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883, 20 Massachusetts Ave., N.W.
Washington, D.C. 20044
Phone: (202) 514-6289

RELEASE IN PART
B5,D5

Edwards, Ronako

From: Dorosin, Joshua L
Sent: Tuesday, November 08, 2011 12:50 PM
To: Patton, Dorothy P
Cc: Chabora, Paige E
Subject: FW: De Sousa v. Dep't of State
Attachments: 54 - PI Stmt of Cases and Points in Opp to MTD.PDF

From: Chabora, Paige E
Sent: Thursday, October 27, 2011 3:37 PM
To: Joyce, Anne; Dorosin, Joshua L
Cc: Johnson, Clifton M
Subject: RE: De Sousa v. Dep't of State

B5
D5

Thanks,
Paige

From: Joyce, Anne
Sent: Wednesday, October 26, 2011 2:53 PM
To: Chabora, Paige E; Dorosin, Joshua L
Cc: Johnson, Clifton M
Subject: RE: De Sousa v. Dep't of State

Paige –

B5
D5

Josh – if you guys need our help, pls let me know. Thanks, Anne

From: Chabora, Paige E
Sent: Wednesday, October 26, 2011 12:55 PM
To: Dorosin, Joshua L; Joyce, Anne
Cc: Johnson, Clifton M; Chabora, Paige E
Subject: FW: De Sousa v. Dep't of State

Josh, Ann,

B5
D5

B5
D5

Thanks,
Paige

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Tuesday, October 25, 2011 10:42 AM
To: Chabora, Paige E; Johnson, Clifton M
Cc: Littleton, Judson O. (CIV)
Subject: De Sousa v. Dep't of State

Cliff and Paige,

B5
D5

Thanks,

Brigham

Brigham J. Bowen
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883, 20 Massachusetts Ave., N.W.
Washington, D.C. 20044
Phone: (202) 514-6289

RELEASE IN PART
B5,D5**Edwards, Ronako**

From: Blanck, John I
Sent: Monday, August 08, 2011 4:01 PM
To: Dorosin, Joshua L; Mehta, Jason P; Chabora, Paige E
Cc: Wilson, Kathleen A
Subject: FW: Activity in Case 1:09-cv-00896-BAH DE SOUSA v. DEPARTMENT OF STATE et al Order

Attachments: 09-896 DDC 049 - Pls Reply re Status Conf and Stay 8-5-11.pdf; De Sousa notice of in camera filing 8-2-11.docx; De Sousa - Defs oppn to mot to stay and for in camera hearing v3.docx; 45 - Pls Mot for Status Conf and Stay.pdf; RE: Activity in Case 1:09-cv-00896-BAH DE SOUSA v. DEPARTMENT OF STATE et al Order

AttachmentsClassification:

UNCLASSIFIED

Classification:

UNCLASSIFIED

SensitivityCode:

Sensitive

B5
D5

SBU

This email is UNCLASSIFIED.

From: Chabora, Paige E
Sent: Monday, August 08, 2011 2:10 PM
To: Wilson, Kathleen A; Blanck, John I
Cc: Chabora, Paige E
Subject: FW: Activity in Case 1:09-cv-00896-BAH DE SOUSA v. DEPARTMENT OF STATE et al Order

Hi Kathleen & John,

In light of Cliff's out of office, sending to you. Please let me know who can participate in a call with DOJ in Cliff's absence

B5
D5

Thanks,
Paige

SBU
This email is UNCLASSIFIED.

From: Chabora, Paige E
Sent: Monday, August 08, 2011 1:59 PM
To: Johnson, Clifton M
Subject: FW: Activity in Case 1:09-cv-00896-BAH DE SOUSA v. DEPARTMENT OF STATE et al Order

Hi Cliff,

B5
D5

Thanks,
Paige

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Monday, August 08, 2011 10:02 AM
To: Johnson, Clifton M; Chabora, Paige E
Cc: Littleton, Judson O. (CIV)
Subject: FW: Activity in Case 1:09-cv-00896-BAH DE SOUSA v. DEPARTMENT OF STATE et al Order

B5
D5

Brigham

SBU
This email is UNCLASSIFIED.

From: DCD ECFNotice@dcd.uscourts.gov [<mailto:DCD ECFNotice@dcd.uscourts.gov>]
Sent: Monday, August 08, 2011 9:50 AM
To: DCD ECFNotice@dcd.uscourts.gov
Subject: Activity in Case 1:09-cv-00896-BAH DE SOUSA v. DEPARTMENT OF STATE et al Order

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U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was entered on 8/8/2011 at 9:49 AM and filed on 8/8/2011

Case Name: DE SOUSA v. DEPARTMENT OF STATE et al

Case Number: 1:09-cv-00896-BAH

Filer:

Document Number: No document attached

Docket Text:

MINUTE ORDER (paperless) directing the parties to appear for a status conference on Wednesday, August 10, 2011 at 9:30 AM in Courtroom 15 before Judge Beryl A. Howell. Signed by Judge Beryl A. Howell on August 8, 2011. (lcbah1)

1:09-cv-00896-BAH Notice has been electronically mailed to:

Mark S. Zaid Mark@MarkZaid.com, ZaidMS@aol.com

Brigham John Bowen brigham.bowen@usdoj.gov

Bradley P. Moss brad@markzaid.com

Ilana Greenstein ilana@markzaid.com

Judson Owen Littleton judson.o.littleton@usdoj.gov

1:09-cv-00896-BAH Notice will be delivered by other means to::

RELEASE IN PART
B5,D5

Edwards, Ronako

From: Chabora, Paige E
Sent: Monday, August 08, 2011 3:31 PM
To: Wilson, Kathleen A; Blanck, John I
Cc: Johnson, Clifton M; Chabora, Paige E
Subject: RE: Activity in Case 1:09-cv-00896-BAH DE SOUSA v. DEPARTMENT OF STATE et al Order

Classification: UNCLASSIFIED
SensitivityCode: Sensitive

Good news – I just spoke to DOJ and this hearing was rescheduled for late August. So the urgency is off. This can wait until Cliff's return.

SBU
This email is UNCLASSIFIED.

From: Chabora, Paige E
Sent: Monday, August 08, 2011 2:10 PM
To: Wilson, Kathleen A; Blanck, John I
Cc: Chabora, Paige E
Subject: FW: Activity in Case 1:09-cv-00896-BAH DE SOUSA v. DEPARTMENT OF STATE et al Order

Hi Kathleen & John,

In light of Cliff's out of office, sending to you. Please let me know who can participate in a call with DOJ in Cliff's absence

B5
D5

Thanks,
Paige

SBU

This email is UNCLASSIFIED.

From: Chabora, Paige E
Sent: Monday, August 08, 2011 1:59 PM
To: Johnson, Clifton M
Subject: FW: Activity in Case 1:09-cv-00896-BAH DE SOUSA v. DEPARTMENT OF STATE et al Order

Hi Cliff,

B5
D5

Thanks,
Paige

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Monday, August 08, 2011 10:02 AM
To: Johnson, Clifton M; Chabora, Paige E
Cc: Littleton, Judson O. (CIV)
Subject: FW: Activity in Case 1:09-cv-00896-BAH DE SOUSA v. DEPARTMENT OF STATE et al Order

B5
D5

Brigham

SBU

This email is UNCLASSIFIED.

From: DCD_ECFNotice@dcd.uscourts.gov [mailto:DCD_ECFNotice@dcd.uscourts.gov]
Sent: Monday, August 08, 2011 9:50 AM
To: DCD_ECFNotice@dcd.uscourts.gov
Subject: Activity in Case 1:09-cv-00896-BAH DE SOUSA v. DEPARTMENT OF STATE et al Order

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

District of Columbia

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Case Name: DE SOUSA v. DEPARTMENT OF STATE et al

Case Number: 1:09-cv-00896-BAH

Filer:

Document Number: No document attached

Docket Text:

MINUTE ORDER (paperless) directing the parties to appear for a status conference on Wednesday, August 10, 2011 at 9:30 AM in Courtroom 15 before Judge Beryl A. Howell. Signed by Judge Beryl A. Howell on August 8, 2011. (lcbah1)

1:09-cv-00896-BAH Notice has been electronically mailed to:

Mark S. Zaid Mark@MarkZaid.com, ZaidMS@aol.com

Brigham John Bowen brigham.bowen@usdoj.gov

Bradley P. Moss brad@markzaid.com

Ilana Greenstein ilana@markzaid.com

Judson Owen Littleton judson.o.littleton@usdoj.gov

1:09-cv-00896-BAH Notice will be delivered by other means to::

RELEASE IN PART
B5,D5

Edwards, Ronako

From: Johnson, Clifton M
Sent: Friday, July 22, 2011 12:11 PM
To: Dorosin, Joshua L
Subject: DOJ Brief in De Sousa Case
Attachments: De Sousa - Defs oppn to mot to stay and for in camera hearing.docx

AttachmentsClassification:

UNCLASSIFIED

Classification: UNCLASSIFIED

SensitivityCode: Sensitive

B5
D5

SBU

This email is UNCLASSIFIED.

From: Chabora, Paige E
Sent: Wednesday, July 20, 2011 1:11 PM
To: Johnson, Clifton M
Cc: Chabora, Paige E
Subject: FW: De Sousa

Hi Cliff,

B5
D5

Thanks,
Paige

PERSONAL

This email is UNCLASSIFIED.

From: Littleton, Judson O. (CIV) [<mailto:Judson.O.Littleton@usdoj.gov>]
Sent: Tuesday, July 19, 2011 6:39 PM
To: Johnson, Clifton M; Chabora, Paige E
Cc: Bowen, Brigham (CIV)
Subject: De Sousa

B5
D5

Best,
Judd

Judson O. Littleton
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
202.305.8714 (v)
202.616.8202 (f)
judson.o.littleton@usdoj.gov

RELEASE IN PART
B5,D5

Edwards, Ronako

From: Dorosin, Joshua L
Sent: Monday, July 11, 2011 1:02 PM
To: Freeman, Jeremy B
Subject: FW: De Sousa
Attachments: 45 - Pls Mot for Status Conf and Stay.pdf

AttachmentsClassification: UNCLASSIFIED
Classification: UNCLASSIFIED
SensitivityCode: Sensitive

Isn't this one that you've also been covering?

From: Chabora, Paige E
Sent: Monday, July 11, 2011 11:29 AM
To: Dorosin, Joshua L
Cc: Johnson, Clifton M
Subject: FW: De Sousa

B5
D5

Thanks,
Paige

SBU
This email is UNCLASSIFIED.

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Monday, July 11, 2011 9:31 AM
To: Johnson, Clifton M; Chabora, Paige E
Cc: Littleton, Judson O. (CIV)
Subject: De Sousa

B5
D5

Thanks,

Brigham

Brigham J. Bowen
Trial Attorney
United States Department of Justice

Civil Division, Federal Programs Branch
P.O. Box 883, 20 Massachusetts Ave., N.W.
Washington, D.C. 20044
Phone: (202) 514-6289

RELEASE IN PART
B5,D5

Edwards, Ronako

From: Dorosin, Joshua L
Sent: Friday, June 24, 2011 2:09 PM
To: 'Bowen, Brigham (CIV)'
Cc: Chabora, Paige E; Johnson, Clifton M
Subject: RE: De Sousa

B5
D5

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Friday, June 24, 2011 1:38 PM
To: Dorosin, Joshua L
Cc: Chabora, Paige E; Johnson, Clifton M
Subject: FW: De Sousa

Josh,

Per your request. Thanks.

From: Bowen, Brigham (CIV)
Sent: Thursday, June 23, 2011 4:54 PM
To: Chabora, Paige E
Cc: Johnson, Clifton M
Subject: De Sousa

Cliff/Paige,

B5
D5

Brigham J. Bowen
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883, 20 Massachusetts Ave., N.W.
Washington, D.C. 20044
Phone: (202) 514-6289

RELEASE IN PART
B5,D5**Edwards, Ronako**

From: Dorosin, Joshua L
Sent: Friday, June 24, 2011 2:09 PM
To: Chabora, Paige E; Blanck, John I; Wilson, Kathleen A
Cc: Freeman, Jeremy B
Subject: RE: De Sousa

 Best, JoshB5
D5

From: Chabora, Paige E
Sent: Friday, June 24, 2011 2:03 PM
To: Dorosin, Joshua L; Blanck, John I; Wilson, Kathleen A
Cc: Freeman, Jeremy B
Subject: Re: De Sousa

 B5
D5

From: Dorosin, Joshua L
Sent: Friday, June 24, 2011 01:32 PM
To: Blanck, John I; Chabora, Paige E; Wilson, Kathleen A
Cc: Freeman, Jeremy B
Subject: RE: De Sousa

All –

 B5
D5

Josh

From: Blanck, John I
Sent: Friday, June 24, 2011 12:53 PM
To: Chabora, Paige E; Wilson, Kathleen A
Cc: Dorosin, Joshua L; Freeman, Jeremy B
Subject: RE: De Sousa

 B5
D5

SBU
This email is UNCLASSIFIED.

From: Chabora, Paige E
Sent: Friday, June 24, 2011 12:45 PM

To: Wilson, Kathleen A; Blanck, John I
Subject: Fw: De Sousa

Kathleen - would you or John be able to give him a call?

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Friday, June 24, 2011 12:42 PM
To: Chabora, Paige E
Cc: Johnson, Clifton M
Subject: RE: De Sousa

Please call re: this and status generally.

From: Bowen, Brigham (CIV)
Sent: Thursday, June 23, 2011 4:54 PM
To: Chabora, Paige E
Cc: Johnson, Clifton M
Subject: De Sousa

Cliff/Paige,

[REDACTED] Happy to
discuss, probably better on the phone.

B5
D5

Brigham J. Bowen
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883, 20 Massachusetts Ave., N.W.
Washington, D.C. 20044
Phone: (202) 514-6289

RELEASE IN PART

B5,D5

Edwards, Ronako

From: Dorosin, Joshua L
Sent: Thursday, June 23, 2011 9:24 PM
To: Chabora, Paige E; Wilson, Kathleen A
Cc: Blanck, John I; Freeman, Jeremy B; Gahan, Kimberly A
Subject: RE: De Sousa

B5
D5

From: Chabora, Paige E
Sent: Thursday, June 23, 2011 8:28 PM
To: Wilson, Kathleen A
Cc: Blanck, John I; Dorosin, Joshua L
Subject: Re: De Sousa

Great, thank you very much.

From: Wilson, Kathleen A
Sent: Thursday, June 23, 2011 07:09 PM
To: Chabora, Paige E
Cc: Blanck, John I; Dorosin, Joshua L
Subject: RE: De Sousa

B5
D5

SBU
This email is UNCLASSIFIED.

From: Chabora, Paige E
Sent: Thursday, June 23, 2011 6:01 PM
To: Blanck, John I
Cc: Legal-M-DL; Wilson, Kathleen A
Subject: RE: De Sousa

B5
D5

SBU
This email is UNCLASSIFIED.

From: Blanck, John I
Sent: Thursday, June 23, 2011 5:08 PM
To: Chabora, Paige E
Cc: Legal-M-DL; Wilson, Kathleen A
Subject: FW: De Sousa

B5
D5

SBU
This email is UNCLASSIFIED.

From: Chabora, Paige E
Sent: Thursday, June 23, 2011 4:55 PM
To: Wilson, Kathleen A; Blanck, John I
Subject: FW: De Sousa

In Cliff's absence, please take a look at the attached.

SBU
This email is UNCLASSIFIED.

From: Bowen, Brigham (CIV) [<mailto:Brigham.Bowen@usdoj.gov>]
Sent: Thursday, June 23, 2011 4:54 PM
To: Chabora, Paige E
Cc: Johnson, Clifton M
Subject: De Sousa

Cliff/Paige,

[REDACTED] Happy to
discuss, probably better on the phone.

B5
D5

Brigham J. Bowen
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883, 20 Massachusetts Ave., N.W.
Washington, D.C. 20044
Phone: (202) 514-6289

Edwards, Ronako

RELEASE IN PART
B5,D5

From: Deeks, Ashley S
Sent: Wednesday, May 09, 2007 12:13 PM
To: Dorosin, Joshua L; Herold, Thomas C
Cc: Kulish, Mark; Johnson, Clifton M
Subject: FW:

B5
D5

Mark: I'm forwarding your email to

B5
D5

Ashley

From: Kulish, Mark
Sent: Tuesday, May 08, 2007 3:19 PM
To: Deeks, Ashley S
Cc: Johnson, Clifton M
Subject:

B5
D5

Ashley,

B5
D5



inst5820.pdf

B5
D5

B5B5
D5

Thanks,

Mark Kulish
State L/LEI 7-9773
Dept of State, Office of the Legal Adviser, Law Enforcement & Intelligence
(202) 647-9773

RELEASE IN PART
B5,D5**Edwards, Ronako**

From: Bellinger, John B(Legal)
Sent: Monday, December 18, 2006 8:55 PM
To: Padmanabhan, Vijay M; Deeks, Ashley S; Dorosin, Joshua L; Propp, Kenneth R
Subject: Re: Whitlock WP Article on Renditions

B5
D5

-----Original Message-----

From: Padmanabhan, Vijay M
To: Bellinger, John B(Legal); Deeks, Ashley S; Dorosin, Joshua L; Propp, Kenneth R
Sent: Mon Dec 18 16:25:03 2006
Subject: Whitlock WP Article on Renditions

This was in Saturday's paper.

B5
D5

Testimony Helps Detail CIA's Post-9/11 Reach Europeans Told of Plans for Abductions By Craig Whitlock Washington Post Foreign Service Saturday, December 16, 2006; A01 MILAN -- A few days after the Sept. 11, 2001, attacks, the CIA station chief in Rome paid a visit to the head of Italy's military intelligence agency, Adm. Gianfranco Battelli, to float a proposal: Would the Italian secret services help the CIA kidnap terrorism suspects and fly them out of the country? The CIA man did not identify which targets he had in mind but was "expressly referring to the possibility of picking up a suspected terrorist in Italy, bringing him to an airport and sending him from there to a foreign country," Battelli, now retired, recalled in a deposition.

This initial secret contact and others that followed, disclosed in newly released documents, show the speed and breadth with which the CIA applied in post-9/11 Europe a tactic it had long reserved for the Third World -- "extraordinary rendition," the extrajudicial abduction of Islamic radicals overseas for interrogation in friendly countries.

A year after the first contact, the CIA officer held another meeting with his Italian counterparts, this time sharing a list of more than 10 "dangerous people" the agency was tracking in Italy, Belgium, Austria and the Netherlands, according to a deposition from Gen. Gustavo Pignero, another high-ranking Italian military intelligence official. "It was clear that this was an aggressive search project, that their willingness to employ illicit means was clear," Pignero said, adding that the list was later destroyed and he could not recall the names.

U.S. spies drew up suspect lists with the help of European intelligence agencies and chased some of the men around the globe before putting a brake on the operations in early 2004, about a year after the invasion of Iraq <<http://www.washingtonpost.com/wp-srv/world/countries/iraq.html?nav=el>> , according to documents unearthed in criminal investigations, lawsuits and parliamentary inquiries.

All told, the U.S. agency took part in the seizure of at least 10 European citizens or legal immigrants, some of them from countries not cited in that list of "dangerous people" received by the Italian spies. Four renditions occurred on European soil: in Sweden, Macedonia and Italy. Six operations targeted people who were traveling abroad or who had been captured in Pakistan <<http://www.washingtonpost.com/wp-srv/world/countries/pakistan.html?nav=el>> ; European intelligence agencies provided direct assistance to the CIA in at least five of those cases, records show.

Each prisoner was then secretly handed over to intelligence services in the Middle East or Africa with histories of human rights abuses. Some remain imprisoned in those countries; others have been taken to the U.S. naval prison at Guantanamo Bay, Cuba <<http://www.washingtonpost.com/wp-srv/world/countries/cuba.html?nav=el>> . One man was later released after being taken from the Balkans to Afghanistan <<http://www.washingtonpost.com/wp-srv/world/countries/afghanistan.html?nav=el>> , the victim of an apparent case of mistaken identity.

In the early stages, the CIA had prepared even more ambitious plans, according to the depositions from the Italian intelligence officials, who testified last summer during a criminal investigation into a CIA-sponsored kidnapping of a radical Islamic cleric in Milan.

For example, Pignero said in his deposition that the CIA's Rome station chief had offered in 2002 to abduct a fugitive leader of the Red Brigades -- a Marxist network blamed for dozens of assassinations in Italy -- who had found refuge in South America. "The Americans would capture him and turn him over to us, and we in return would have to 'extradite' him to Italy without any legal proceedings," Pignero said.

In exchange, the CIA wanted help in abducting Islamic radicals living in the Italian cities of Turin, Vercelli and Naples, Pignero said. Italian intelligence officials rejected the offer, he added, because it was "contrary to international laws." Reports of clandestine CIA operations have fueled deep public anger in Europe, where many people regard renditions as a blatant violation of national sovereignty and international law. Since last year, prosecutors have opened four separate criminal investigations into CIA activities in Europe. A dozen countries have conducted legislative inquiries into whether local spy agencies were involved.

Last month, a European Parliament committee investigating CIA operations in Europe condemned the practice of rendition "as an illegal and systematic instrument used by the United States" and called it "counterproductive in the fight against terrorism."

"I think that after the 11th of September, the CIA thought that all the ways useful to capture their enemies, the alleged terrorists, were now possible," Giovanni Claudio Fava, an Italian legislator who led the parliamentary probe, said in an interview in Brussels. "They wanted to clean Europe of all these dangerous, alleged terrorists. They didn't have faith in the quality and capacity of our own security controls and our justice system."

In the past year, U.S. officials have sought to repair the diplomatic damage. They have met repeatedly with their European counterparts to defuse opposition to renditions, the U.S. military prison at Guantanamo and the disclosure in November 2005 that the CIA had set up secret prisons for terrorism suspects in Eastern Europe.

John B. Bellinger III, legal adviser to Secretary of State Condoleezza Rice, said U.S. diplomats have made some headway. But he added that ongoing political disputes have "undermined cooperation and intelligence activities."

"I'd say that many European government officials and academics acknowledge now that there is a legal murkiness that applies to international terrorism," he said in a telephone interview from Washington. "On the negative side of the ledger, we do continue to have these hysterical, inflated allegations denouncing the United States that unfortunately do fan the flames of suspicion and anti-Americanism."

The CIA declined to comment.

'He Was Too Loud'

The most detailed disclosures about the CIA's European rendition project have emerged from Milan, where Italian prosecutors have spent two years investigating the disappearance of Hassan Mustafa Osama Nasr, a militant Egyptian-born cleric known as Abu Omar.

When Nasr vanished in February 2003, police and prosecutors in Milan thought at first that he had slipped out of the country on his own, perhaps to join resistance forces in Iraq in advance of the U.S.-led invasion. The CIA lent credence to their suspicions a few months later, when it delivered an intelligence bulletin to Rome stating that Nasr had been seen in the Balkans:

In fact, prosecutors later discovered, Nasr had been grabbed on the street in Milan as he was walking to a mosque and stuffed into a white van, which sped to Aviano Air Base, a joint U.S.-Italian military installation. From there, he was put on a plane to Ramstein Air Base in Germany <<http://www.washingtonpost.com/wp-srv/world/countries/germany.html?nav=el>>, and onward to Cairo, where Nasr claims he was tortured for months with electric shocks and sexually abused.

Prosecutors in Milan have since issued arrest warrants on kidnapping charges for 25 CIA operatives and a U.S. Air Force officer, alleging that they conspired with Italian secret service agents to abduct Nasr. Although none of the Americans is likely to be extradited to Italy, prosecutors have served notice that they intend to try them in absentia and asked a judge last month to formally indict the defendants.

Senior Italian intelligence officials have also been charged in the case, including Gen. Nicolo Pollari, director of the Italian military intelligence agency known as Sismi. Pignero, his former deputy, was arrested in June, shortly after he gave his deposition to prosecutors. He died of cancer three months later, on Sept. 11.

European investigators are still examining other mysterious cases of missing or detained people. Among them is the disappearance a few weeks before Nasr's kidnapping of another Egyptian-born Islamic fundamentalist.

Gamal al-Menshawi, a physician and occasional mosque preacher who knew Nasr personally, had left his home in Graz, Austria, bound for the Islamic holy city of Mecca, Saudi Arabia <<http://www.washingtonpost.com/wp-srv/world/countries/saudi-arabia.html?nav=el>> . His wife was waiting for him there, but he never arrived, according to Egyptian exiles in Austria and Italy who know him.

Menshawi's trail vanished after he arrived in Amman, Jordan, for a flight connection. He later surfaced in Egypt <<http://www.washingtonpost.com/wp-srv/world/countries/egypt.html?nav=el>> . European Parliament investigators have concluded he was detained there for two years without facing charges.

He was released in 2005 and is living in Alexandria, Egypt, according to Austrian journalists. He has severed contact with friends and colleagues in Europe, who strongly suspect he was subjected to a rendition, although they lack proof or direct evidence of U.S. involvement.

Arman Ahmed al-Hissini, imam of the Viale Jenner mosque in Milan and an acquaintance of Menshawi and Nasr, said both have been silenced by the Egyptian security services.

"The Arab secret services, they give names to the CIA of people who they want, people who are on the outside, such as Europe," said Hissini, an Egyptian native known locally as Abu Imad. "They give the names to the CIA, because the CIA can go to work in these countries."

There is also little doubt about Menshawi's fate among those who knew him in Austria's Islamic community.

"I see the American government as being primarily responsible," said Mohamed Mahmoud, chairman of a group called Islamic Group of Austria. "This is not the first time someone has disappeared."

"The Americans look around in Europe for who is being loud, who is speaking out, and then those people are kidnapped," he added. "He was very vocal; he was too loud for them. He talked openly about Egypt's government, about the U.S. government, about the Islamic community in Austria."

'They Needed Information'

About the same time, another Islamic militant from Austria disappeared during a stopover at the Amman airport.

Masaad Omer Behari, a Sudanese citizen who had lived in Austria for more than a decade, has said he was arrested by Jordanian secret service agents on Jan. 12, 2003, as he was traveling home to Vienna from a trip to Sudan.

Behari told European Parliament investigators in October that he was held for three months in a Jordanian prison, where he was interrogated about Islamic militants in Austria and elsewhere in Europe. "On the first day I was in prison, they told me they did not think I was a terrorist, but that they needed information about the Islamic scene in Vienna," he said.

Documents obtained by the investigators show that Behari had been under surveillance by Austria's domestic intelligence service since 1998, when he was interrogated about an alleged plot to blow up the U.S. Embassy in Vienna. Behari said he was innocent and never faced charges, but was pressured by Austrian secret service agents to leave the country after the Sept. 11 hijackings.

"I have experienced hard times because I did not cooperate with the security authorities in Europe and with the Americans," Behari said, according to a transcript of his testimony. The Austrians "threatened me that they would cause me problems. I thought it was only 'blah-blah,' but it was the truth."

Austrian authorities said they have not opened official inquiries into the disappearances of Menshawi or Behari, in part because neither is an Austrian citizen.

"Since the alleged abductions did not take place on Austrian soil, in an Austrian airplane or on an Austrian ship, we see no need for action," said Rudolf Gollia, spokesman for the Austrian Interior Ministry.

Special correspondent Shannon Smiley in Berlin contributed to this report.

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