

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

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ALL PARTY PARLIAMENTARY GROUP ON)	
EXTRAORDINARY RENDITION, et al.,)	
)	
Plaintiffs,)	Case No. 1:09-cv-02375-PLF
)	
v.)	
)	
U.S. DEPARTMENT OF DEFENSE, et al.,)	
)	
Defendants.)	
_____)	

DEFENDANTS’ NOTICE OF FILING

PLEASE TAKE NOTICE that the defendants, by their undersigned counsel, submit herewith the Declaration of John F. Hackett, Director of the Office of Information Programs and Services of the Department of State (Attachment 1 hereto). This declaration describes the twelve classified documents referred to in the parties’ Joint Motion for Order on Disclosure of *Vaughn* Information (Doc. 86), and explains why those documents are classified and must remain undisclosed. Although the parties’ joint motion indicated that defendants would have to submit this declaration *in camera* and *ex parte* along with the subject documents, the State Department has since determined, upon further consideration, that the declaration can be submitted on the public record. In addition to describing the twelve documents and explaining why they are classified, the accompanying declaration identifies the non-Intelligence Community entity with which the State Department consulted in processing these documents under the Freedom of Information Act.

This filing moots one aspect of the parties’ Joint Motion for Order on Disclosure of *Vaughn* Information – that is, whether the State Department should provide *Vaughn* information

to the plaintiffs regarding the twelve documents – since the declaration provides such information.

The other aspect of the parties' joint motion – that is, whether the State Department properly withheld the twelve documents under FOIA Exemption 1 – remains pending. To facilitate the Court's decision on this issue, defendants will submit the twelve classified documents to the Court, *in camera* and *ex parte*, pursuant to the Court's Order of November 30, 2015 (Doc. 87).

Dated: January 19, 2016

Respectfully submitted,

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COUNSEL FOR DEFENDANTS

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

**All Party Parliamentary Group on
Extraordinary Rendition, et al.,**

Plaintiffs,

v.

U.S. Department of Defense, et al.,

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No. 1:09-cv-02375

DECLARATION OF JOHN F. HACKETT

Pursuant to 28 U.S.C. § 1746, I, John F. Hackett, declare and state as follows:

1. I am the Director of the Office of Information Programs and Services (“IPS”) of the United State Department of State (the “Department”). In this capacity, I am the Department Official immediately responsible for responding to requests for records under the Freedom of Information Act (the “FOIA”), 5 U.S.C. § 552, the Privacy Act of 1974, 5 U.S.C. § 552a, and other applicable records access provisions. I have been employed by the Department in this capacity since June 2015. Prior to assuming this role, I served as the Acting Director of IPS since April 2014 and the Deputy Director since April 2013. As the IPS Director, I have original classification authority and am authorized to classify and declassify national security information. I make the following statements based upon my personal knowledge, which in turn is based on a personal review of the records described below and upon information furnished to me in the course of my official duties. I am familiar with the efforts of Department personnel to process the FOIA request at issue in this litigation, and I am in charge of coordinating the agency’s search and processing efforts with respect to that request.

2. The core responsibilities of IPS include: (1) responding to records access requests made by the public (including the FOIA, Privacy Act, and mandatory declassification review requirements of the Executive Order governing classified national security information), by members of Congress, and by other government agencies, as well as those requests made pursuant to judicial process such as subpoenas, court orders, and discovery requests; (2) records management, (3) privacy protection, (4) national security classification management and declassification review; (5) corporate records archives management; (6) research; (7) operation and management of the Department's library; and (8) technology applications that support these activities.

3. This declaration explains the Department's reasons for withholding in full 12 documents responsive to Plaintiffs' FOIA request and the FOIA exemptions applied in processing these records.

I. PROCESSING OF PLAINTIFFS' FOIA REQUEST

4. By letter dated November 17, 2008, Plaintiffs submitted a FOIA request to the Department for access to records "containing information about the circumstances and extent of participation in [rendition] programs by the UK and Other Governments, and the transfer of detainees from the UK and Other Governments to the control of the US or its agents, and the interrogation techniques used on them." Specifically, Plaintiffs' request sought access to 43 topics and/or identified documents enumerated under the following headings: (1) Agreements Between the US and the UK; (2) Agreements Between the US and Other Governments; (3) UK Participation and Support of the US Rendition and Secret Detention Programs; (4) Diego Garcia; (5) Other Governments' Participation and Support of the US Rendition Program; (6) Information About Specific Alleged Terrorist Plots; and (7) Information About Specific Detainees.

5. In the course of processing Plaintiffs' FOIA request, the Department located 11 documents that originated with the Government of the United Kingdom ("U.K.") and one document that originated with the White House that contained U.K. equities. In accordance with the Department's standard operating procedures,¹ the Department sent the 12 documents to the U.K. Government for consultation. After reviewing the documents, the U.K. Government's Foreign and Commonwealth Office requested that all 12 documents be withheld in full from public disclosure.

III. EXEMPTIONS CLAIMED

FOIA Exemption 1 – Classified Information

6. 5 U.S.C. § 552(b)(1) states that the FOIA does not apply to matters that are:

(A) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order

7. Executive Order 13526 ("E.O. 13526") sets forth the criteria for classification of government information. This information includes information classified at the SECRET and CONFIDENTIAL levels. Section 1.2 of E.O. 13526 states:

"Secret" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause serious

¹ The Department's consultation process is governed by policy guidance issued by the Department of Justice, Office of Information Policy ("OIP") that pertains to consultations and referrals. In accordance with this guidance, agencies *refer* records for direct handling to another agency or entity when the records originated with that agency or entity. When records originated with the agency processing the request, but contain information of interest to another agency or entity, the agency processing the request will typically *consult* with that other agency or entity prior to making a release determination. Consultations, rather than referrals, are also appropriate when an agency locates records in its files that originated with an entity that is not subject to the FOIA. The agency may consult with that outside entity as part of its process of making a disclosure determination. In the present case, neither the U.K. Government nor the White House is subject to the FOIA. See OIP's FOIA Post: *Referrals, Consultations, and Coordination: Procedures for Processing Records with Another Agency or Entity has an Interest in Them* (December 5, 2011).

damage to the national security that the original classification authority is able to identify or describe.

“Confidential” shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause damage to the national security that the original classification authority is able to identify or describe.

8. Section 6.1 of E.O. 13526 defines “damage to the national security” as follows:

“Damage to the national security” means harm to the national defense of foreign relations of the United States from the unauthorized disclosure of information, taking into consideration such aspects of the information as the sensitivity, value, utility, and provenance of that information.

9. Section 1.4 of E.O. 13526 sets forth the categories under which information may be classified. Section 1.4 provides in part:

Information shall not be considered for classification unless . . . it pertains to one or more of the following: . . . (b) foreign government information; . . . (d) foreign relations or foreign activities of the United States, including confidential sources . . .

10. Section 1.7(d) of E.O. 13526 contemplates that in certain situations decisions to classify information may be made after the information has been requested under the FOIA. The Department’s Senior Agency Official responsible for directing and administering the Department’s information security program under Section 5.4(d) of E.O. 13526 is the Under Secretary of State for Management. See 22 C.F.R. § 9.3. The Under Secretary has delegated the authority and responsibility for classifying information under Section 1.7(d) to the Deputy Assistant Secretary for Global Information Services (“A/GIS Deputy Assistant Secretary of State”). In connection with my official duties in supervising the Department’s responses to FOIA requests, I have been informed that on February 27, 2015, the A/GIS Deputy Assistant Secretary of State personally reviewed the information in 10 documents, further described below, that did not have an original U.K. classification marking when transmitted to the U.S.

Government, and classified them as CONFIDENTIAL, consistent with Section 1.1(a) of E.O. 13526. (The first page of each of the 12 documents includes a box stating its current classification as of February 27, 2015. Some of the documents also bear obsolete markings indicating their former classifications.)

Section 1.4(b) – Foreign Government Information

11. Section 6.1(s) of E.O. 13526 defines “foreign government information” for purposes of Section 1.4(b) as follows:

“Foreign government information” means:

(1) information provided to the United States Government by a foreign government or governments, an international organization of governments, or any element thereof, with the expectation that the information, the source of the information, or both, are to be held in confidence;

(2) information produced by the United States Government pursuant to or as a result of a joint arrangement with a foreign government or governments, an international organization of governments, or any element thereof, requiring that the information, the arrangement, or both, are to be held in confidence

12. The ability to obtain information from a foreign government is essential to the formulation and successful implementation of U.S. foreign policy. Release of foreign government information provided in confidence, either voluntarily by the Department or by order of a court, would cause foreign officials to believe that U.S. officials are not able or willing to observe the confidentiality expected in such interchanges. Governments could reasonably be expected to be less willing in the future to furnish information important to the conduct of U.S. foreign relations and in general less disposed to cooperate with the United States in the achievement of foreign policy objectives of common interest. Further, in view of the important relationship between the United States and the United Kingdom, protecting foreign government information is important to our relationship and conduct of foreign relations. Release of

information provided by the U.K. over that government's objections could reasonably be expected to damage our relations with the U.K. and consequently our national security. The information withheld in this case is currently and properly classified pursuant to Section 1.4(b) of E.O. 13526 and is, therefore, exempt from disclosure under FOIA Exemption 1, 22 U.S.C. § 552(b)(1).

Section 1.4(d) – Foreign Relations and Foreign Activities of the United States

13. Section 1.4(d) of E.O. 13526 recognizes that certain information pertaining to U.S. “foreign relations and foreign activities” must be protected, because its disclosure has the potential to harm national security (which, in turn, is defined in the E.O. as the “national defense or foreign relations of the United States”). Diplomatic exchanges are premised upon, and depend upon, an expectation of confidentiality. This includes the confidentiality of diplomatic exchanges of information about the nature of the other country's engagement with the United States. Mutual trust between governments in this realm is vital to U.S. foreign relations. The inability of the United States to maintain confidentiality in its diplomatic exchanges would inevitably chill relations with other governments and could reasonably be expected to damage U.S. national security by diminishing our access to vital sources of information.

14. Information withheld in this case is also classified under Section 1.4(d) of E.O. 13526. This information includes sensitive aspects of U.S. foreign relations, including issues relating to identifying potential threats to U.S. national security. In particular, information withheld under Exemption 1 and classified pursuant to Section 1.4(d) of E.O. 13526 includes communications between the U.S. Government and the British Government on sensitive national security matters relating to the detention of U.K. nationals at Guantanamo Bay. Release of this

information could reasonably be expected to damage our relations with the U.K. and consequently our national security.

FOIA Exemption (b)(6) – Personal Privacy

15. 5 U.S.C. § 552(b)(6) states that the FOIA does not apply to:

...personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy....

16. The courts have interpreted the language of Exemption 6 broadly to encompass all personal information that applies to an individual, without regard to whether it was located in a particular type of file. Portions of one of the documents at issue here (namely, Document C18729580) were withheld under Exemption 6. Specifically, the Department withheld the names, passport numbers, and dates and places of birth of two U.K. individuals travelling to the United States.

17. Inasmuch as the information withheld under Exemption 6 in these documents is personal to an individual, a personal privacy interest exists in the information. I am required, therefore, to determine whether there exists any public interest in disclosure and, if a public interest is implicated, to weigh any such interest against the privacy interest to determine whether disclosure would constitute a clearly unwarranted invasion of personal privacy.

18. In *United States Department of Justice v. Reporters Committee for Freedom of the Press*, 489 U.S. 749 (1989), the Supreme Court set forth two rules for determining public interest in disclosure of information involving a privacy interest: (1) the agency must consider whether disclosure would serve the “core purpose” for which Congress enacted the FOIA, i.e., to shed light on an agency’s performance of its statutory duties or otherwise let citizens know

“what the government is up to,” and (2) public interest means the interest of the public in general, not particular interests of the person or group seeking the information.

19. As explained further below, with respect to the information withheld in these documents under FOIA Exemption 6, I have determined that (1) disclosure of the withheld information would result in a clearly unwarranted invasion of personal privacy, and (2) disclosure of the names, passport numbers, and dates and places of birth of two individuals would not serve the “core purpose” of the FOIA, i.e., it would shed no light on the Department’s operations and activities. Accordingly, in each instance, I have determined that the privacy interests identified in the withheld information clearly outweigh any public interest in disclosure of such personal information. The information is, therefore, exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6).

IV. DOCUMENT DESCRIPTIONS

20. **Document C18729580** is a two-page letter from Rob Macaire of the British Embassy to the Department desk officer for the United Kingdom, Chryss Hernandez, dated April 19, 2002. The document is a diplomatic communication from a senior official at the British Embassy to the Department’s U.K. desk officer, concerning a possible visit to Guantanamo Bay by U.K. officials to interview U.K. detainees. The document was originally designated UNCLASSIFIED, but at the request of the British Government was upgraded to CONFIDENTIAL by the A/GIS Deputy Assistant Secretary of State on February 27, 2015, in accordance with the requirements of Section 1.7(d) of E.O. 135256. The Department withheld the document in full under FOIA Exemptions 1 and 6, 5 U.S.C. § 552(b)(1), pursuant to Sections 1.4(b) and (d) of E.O. 13526, which pertain to foreign government information and foreign relations or foreign activities of the United States, and (b)(6). Disclosure of the

information contained in the letter, over the express objections of the British Government, could reasonably be expected to inject friction into and cause damage to our bilateral relationship with the U.K., whose cooperation is important to U.S. national security. For these reasons, the withheld information is properly classified pursuant to Sections 1.4(b) and (d) of E.O. 13526; therefore, it is exempt from disclosure under FOIA Exemption 1, 5 U.S.C. § 552(b)(1). The Department also withheld the names, passport numbers, and dates and places of birth of two U.K. individuals travelling to the United States, under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because release of this information would shed no light on the conduct of U.S. Government business, but would be a clearly unwarranted invasion of the personal privacy and expose the individuals to identity theft.

21. **Document C18729617** is a three-page letter from British Foreign Secretary Jack Straw to U.S. Secretary of State Colin Powell, dated January 16, 2003. In this document, Foreign Secretary Straw writes to Secretary Powell to express his concerns about the conditions under which British detainees were reportedly being held in Guantanamo. The document is an official diplomatic communication from the most senior official in the U.K. Foreign Office to the most senior official of the U.S. Department of State. At the request of the British Government, on February 27, 2015, the A/GIS Deputy Assistant Secretary of State classified the document as CONFIDENTIAL, in accordance with the requirements of Section 1.7(d) of E.O. 135256. The Department withheld the document in full under FOIA Exemption 1, 5 U.S.C. § 552(b)(1), pursuant to Sections 1.4(b) and (d) of E.O. 13526, which pertain to foreign government information and foreign relations or foreign activities of the United States. The detailed discussion of alleged conditions was described with an expectation of confidentiality. Disclosure of the information contained in the letter at this time, over the express objections of the British

Government, would inject friction into our bilateral relationship with the U.K., whose cooperation is important to U.S., and could cause damage to the national security. The withheld information is properly classified pursuant to Sections 1.4(b) and (d) of E.O. 13526; and therefore, exempt from disclosure under FOIA Exemption 1, U.S.C. § 552(b)(1).

22. **Document C18729655** is a one-page cover letter from British Ambassador David Manning to U.S. Secretary of State Colin Powell, dated March 3, 2003. This letter transmitted a Secret U.K. document from Foreign Secretary Jack Straw to Secretary Powell, but it has become separated from the attachment. At the request of the British Government, on February 27, 2015, the A/GIS Deputy Assistant Secretary of State classified the document as CONFIDENTIAL, in accordance with the requirements of Section 1.7(d) of E.O. 13526. The Department withheld the document in full under FOIA Exemption 1, 5 U.S.C. § 552(b)(1), pursuant to Sections 1.4(b) and (d) of E.O. 13526, which pertain to foreign government information and foreign relations or foreign activities of the United States. The document is an official diplomatic communication from the British Ambassador to the U.S. Secretary of State. Disclosure of the letter, over the express objections of the British Government, would inject friction into our bilateral relationship with the U.K. and could cause damage to the national security. The withheld information is properly classified pursuant to Sections 1.4(b) and (d) of E.O. 13526; therefore, it is exempt from disclosure under Exemption 1, U.S.C. § 552(b)(1).

23. **Document C18729652** is a three-page letter from British Prime Minister Tony Blair to U.S. President George Bush, dated November 7, 2003. Prime Minister Blair wrote President Bush about the legal procedures for processing U.K. detainees being held at Guantanamo. At the request of the British Government, on February 27, 2015, the A/GIS Deputy Assistant Secretary of State classified the document as CONFIDENTIAL, in accordance

with the requirements of Section 1.7(d) of E.O. 13526. The Department withheld the document in full under FOIA Exemption 1, 5 U.S.C. § 552(b)(1), pursuant to Sections 1.4(b) and (d) of E.O. 13526, which pertain to foreign government information and foreign relations or foreign activities of the United States. The document is a diplomatic communication at the highest possible level, from the British Prime Minister to the U.S. President. It was clearly transmitted with an expectation of confidentiality. Disclosure of the information contained in the letter at this time, despite an official request by the Foreign Office of the British Government to the contrary, would adversely affect our bilateral relationship with the U.K. and could cause damage to the national security. The withheld information is properly classified pursuant to Sections 1.4(b) and (d) of E.O. 13526; therefore, it is exempt from disclosure under Exemption 1, U.S.C. § 552(b)(1).

24. **Document C18729691** is a one page letter from Condoleezza Rice, Assistant to the President for National Security Affairs, to Sir Nigel Sheinwald, Foreign Affairs Advisor to the British Prime Minister, dated March 12, 2004. In this letter, Ms. Rice informs Sir Sheinwald of conditions for the transfer of British nationals detained in Guantanamo. At the request of the British Government, on February 27, 2015, the A/GIS Deputy Assistant Secretary of State classified the document as CONFIDENTIAL, in accordance with the requirements of Section 1.7(d) of E.O. 13526. The Department withheld the document in full under FOIA Exemption 1, 5 U.S.C. § 552(b)(1), pursuant to Sections 1.4(b) and (d) of E.O. 13526, which pertain to foreign government information and foreign relations or foreign activities of the United States. The document is a diplomatic communication from a very senior U.S. official to the highest levels of the British Government. Disclosure of the information contained in the letter at this time, over the express objections of the British Government, would inject friction into our bilateral

relationship with the U.K. and could cause damage to the national security. The withheld information is properly classified pursuant to Sections 1.4(b) and (d) of E.O. 13526; therefore, it is exempt from disclosure under Exemption 1, U.S.C. § 552(b)(1).

25. **Document C18729659** is a three-page letter from the British Foreign Secretary Jack Straw to U.S. Secretary of State Colin Powell, dated May 10, 2004. In this letter, Foreign Secretary Straw expresses concern about the welfare of U.K. detainees at Guantanamo. At the request of the British Government, on February 27, 2015, the A/GIS Deputy Assistant Secretary of State classified the document as CONFIDENTIAL, in accordance with the requirements of Section 1.7(d) of E.O. 13526. The Department withheld the document in full under FOIA Exemption 1, 5 U.S.C. § 552(b)(1), pursuant to Sections 1.4(b) and (d) of E.O. 13526, which pertain to foreign government information and foreign relations or foreign activities of the United States. The document is a diplomatic communication from the most senior official at the British Foreign Office to the U.S. Secretary of State. It was conveyed with an implicit expectation of confidentiality. Disclosure of the information contained in the letter over the express objections of the British Government would harm our bilateral relationship with the U.K. and could cause damage to the national security. The withheld information is properly classified pursuant to Sections 1.4(b) and (d) of E.O. 13526; therefore, it is exempt from disclosure under Exemption 1, U.S.C. § 552(b)(1).

26. **Document C18729687** is a one page letter from British Prime Minister Tony Blair to U.S. President George Bush dated December 13, 2004. In this letter, Prime Minister Blair discusses conditions for the return of U.K. detainees to the United Kingdom. At the request of the British Government, on February 27, 2015, the A/GIS Deputy Assistant Secretary of State classified the document as CONFIDENTIAL, in accordance with the requirements of

Section 1.7(d) of E.O. 13526. The Department withheld the document in full under FOIA Exemption 1, 5 U.S.C. § 552(b)(1), pursuant to Sections 1.4(b) and (d) of E.O. 13526, which pertain to foreign government information and foreign relations or foreign activities of the United States. The document is a high-level diplomatic communication from the head of the British Government to the President of the United States. It was conveyed with a clear expectation of confidentiality because the contents are very sensitive. Disclosure of the information contained in the letter at this time, over the express objections of the British Government, would damage our bilateral relationship with the U.K. and could cause damage to the national security. The withheld information is properly classified pursuant to Sections 1.4(b) and (d) of E.O. 13526; therefore, it is exempt from disclosure under Exemption 1, U.S.C. § 552(b)(1).

27. **Document C18729709** is a two-page draft U.K. Press Release dated August 1, 2007 relating to former U.K. residents detained at Guantanamo Bay. This draft was prepared for U.K. officials to use if/when U.K. detainees were released from Guantanamo. The Department is unaware whether this document was issued as written or was changed before being issued. At the request of the British Government, on February 27, 2015, the A/GIS Deputy Assistant Secretary of State classified the document as CONFIDENTIAL, in accordance with the requirements of Section 1.7(d) of E.O. 13526. The Department withheld the document in full under FOIA Exemption 1, 5 U.S.C. § 552(b)(1), pursuant to Sections 1.4(b) and (d) of E.O. 13526, which pertain to foreign government information and foreign relations or foreign activities of the United States. The document was provided to U.S. officials as a draft. As such, confidentiality was implied at the time. Disclosure of the information contained in the document at this time, over the express objections of the British Government, would cause tensions in our

bilateral relationship with the U.K. and could cause damage to the national security. The withheld information is properly classified pursuant to Sections 1.4(b) and (d) of E.O. 13526; therefore, it is exempt from disclosure under Exemption 1, U.S.C. § 552(b)(1).

28. **Document C18729708** is a two-page letter from British Foreign Secretary David Miliband to U.S. Secretary of State Condoleezza Rice, dated August 7, 2007. Thus, the document is an official diplomatic communication from the head of the U.K. Foreign Office to the top official at the U.S. Department of State. Foreign Secretary Miliband writes concerning detainees at Guantanamo that have links to the United Kingdom. At the request of the British Government, on February 27, 2015, the A/GIS Deputy Assistant Secretary of State classified the document as CONFIDENTIAL, in accordance with the requirements of Section 1.7(d) of E.O. 13526. The Department withheld the document in full under FOIA Exemption 1, 5 U.S.C. § 552(b)(1), pursuant to Sections 1.4(b) and (d) of E.O. 13526, which pertain to foreign government information and foreign relations or foreign activities of the United States. Disclosure of the information contained in the letter at this time, over the express objections of the British Government, would cause tensions in our bilateral relationship with the U.K. and could cause damage to the national security. The withheld information is properly classified pursuant to Sections 1.4(b) and (d) of E.O. 13526; therefore, it is exempt from disclosure under Exemption 1, U.S.C. § 552(b)(1).

29. **Document C18729744** is a two-page letter from British Secretary of State William Hague to U.S. Secretary of State Hillary Clinton, dated July 21, 2010. Thus, the document is an official diplomatic communication at the highest levels of the U.K. and U.S. Governments, and it was conveyed with a clear expectation of confidentiality. In this letter, Secretary Hague expresses continued concern for the U.K. detainees at Guantanamo. At the

request of the British Government, on February 27, 2015, the A/GIS Deputy Assistant Secretary of State classified the document as CONFIDENTIAL, in accordance with the requirements of Section 1.7(d) of E.O. 13526. The Department withheld the document in full under FOIA Exemption 1, 5 U.S.C. § 552(b)(1), pursuant to Sections 1.4(b) and (d) of E.O. 13526, which pertain to foreign government information and foreign relations or foreign activities of the United States. Disclosure of the content of the letter at this time, over the express objections of the British Government, would cause tensions in our bilateral relationship with the U.K. and could cause damage to the national security. The withheld information is properly classified pursuant to Sections 1.4(b) and (d) of E.O. 13526; therefore, it is exempt from disclosure under Exemption 1, U.S.C. § 552(b)(1).

30. **Document C18729656** is an undated one-page cable from British Foreign Secretary Jack Straw to U.S. Secretary of State Colin Powell. In this cable, Foreign Secretary Straw again expresses interest in the welfare of British detainees in Guantanamo. The British Government classified this cable as SECRET at the time of its transmission and requested that the Department withhold it in full. The document is a diplomatic communication from the British Foreign Secretary to the U.S. Secretary of State and was marked SECRET to indicate the sensitivity of the contents. Disclosure of the information contained in the cable at this time, over the explicit objections of the British Government, would cause friction in our bilateral relationship with the U.K. and could cause damage to the national security. The withheld information is properly classified pursuant to Sections 1.4(b) and (d) of E.O. 13526; therefore, it is exempt from disclosure under Exemption 1, U.S.C. § 552(b)(1).

31. **Document C18729636** is a four-page letter from British Foreign Secretary Jack Straw to U.S. Secretary of State Colin Powell dated July 10 2003. In this document, Foreign

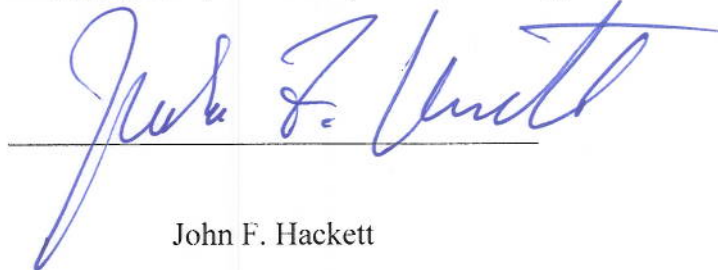
Secretary Straw writes to Secretary Powell about the legal procedures governing U.K. nationals in Guantanamo. The U.K. government classified this document as CONFIDENTIAL at the time of its transmission and requested that the Department withhold it in full. The document is a diplomatic communication from the highest level of the British Foreign Office and marked CONFIDENTIAL, which indicates the sensitivity of the contents. Disclosure of the information contained in the letter at this time, over the express objections of the British Government, would cause friction in our bilateral relationship with the U.K. and could cause damage to the national security. The withheld information is properly classified pursuant to Sections 1.4(b) and (d) of E.O. 13526; therefore, it is exempt from disclosure under Exemption 1, U.S.C. § 552(b)(1).

V. NON-SEGREGABILITY

27. The Department has carefully reviewed each document to identify non-exempt information that can be segregated and released and has determined that there is no information contained in these documents that can be released without causing harm to the U.S. national security.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 19th day of January 2016, Washington D.C.



A handwritten signature in blue ink, reading "John F. Hackett", is written over a horizontal line.

John F. Hackett