



United States Department of State

Washington, D.C. 20520

DEC -2 2004

Case No. 200303827 SWCI001

Mr. Amrit Singh
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004-2400

Dear Mr. Singh:

I refer to our previous correspondence regarding the release of certain Department of State material you had requested under the Freedom of Information Act (Title 5 USC Section 552) in your letters of October 7, 2003, and May 25, 2004.

The search in the records of the Office of the Ambassador at Large for War Crimes Issues has been completed, resulting in the retrieval of 85 documents that appear responsive to your request. They have been grouped as Segment S/WCI 001. The search in the other files has been completed and we will let you know as the review of the various segments has been accomplished.

After reviewing the documents of Segment S/WCI 001, we have determined that 11 may be released, five may be released with excisions, and 61 may not be released. The released documents are enclosed. A decision on five documents requires interagency or intra-agency coordination. We will inform you when we receive the results of that coordination. Three of these documents originated with another government agency and have been referred to that agency for review and direct reply to you.

The material in the excised portions of one of the documents released in part and in 53 of the documents withheld in full is currently and properly classified under Executive Order

12958 in the interest of national defense or foreign relations. As such, it is exempt from release under subsection (b)(1) of the Freedom of Information Act.

Information in the excised portions of one of the documents released in part and in 41 of the documents withheld in full is exempt from release under subsection (b)(5) of the Freedom of Information Act because it is protected by the deliberative process privilege, attorney client privilege, attorney work product privilege, and/or another privilege incorporated by subsection (b)(5).

The material in the excised portions of two of the documents released in part is of such a nature that its release would constitute a clearly unwarranted invasion of personal privacy. As such, it is exempt from release under subsection (b)(6) of the Freedom of Information Act.

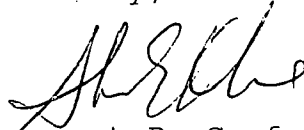
The material in five of the documents withheld in full is information compiled for law enforcement purposes which, if produced, could reasonably be expected to interfere with enforcement proceedings. As such, it is exempt from release under subsection (b)(7)(A) of the Freedom of Information Act.

The material in the excised portions of three of the documents released in part and in 11 of the documents withheld in full is information compiled for law enforcement purposes which, if produced, could reasonably be expected to constitute an unwarranted invasion of personal privacy. As such, it is exempt from release under subsection (b)(7)(C) of the Freedom of Information Act.

In some cases, two or more exemptions apply to the same document.

In the case of a document released in part, all non-exempt material that is reasonably segregable from the exempt material has been released.

Sincerely,



Margaret P. Grafeld
Director
Office of Information Programs
and Services

Enclosures:
As stated.