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Office of Information Programs and Services (IPS)  
A/GIS/IPS/RL  
U.S. Department of State, State Annex 2 (SA-2)

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**RE: FOIA Request to U.S. State Department and Relevant Components for Records Regarding ISIS/ISIL/IS/Daesh Genocide Against Christians**

Dear Sir or Ma'am:

This letter is a request ("Request") in accordance with the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the corresponding department/agency implementing regulations.

The Request is made by the American Center for Law and Justice ("ACLJ")<sup>1</sup> on behalf of itself and over 160,000 of its members. The ACLJ respectfully seeks expedited processing and a waiver of fees related to this Request as set forth in an accompanying memorandum.

To summarize, the numbered requests contained herein seek any and all records pertaining in any way to any and all efforts made by or within the U.S. Department of State ("DOS") or any of its components, bureaus, offices, missions or delegations to: (1) Honor the terms of the Genocide Convention in connection with the genocide being perpetrated by ISIS (also known as ISIL, Daesh, and the Islamic State) and its adherents and associated groups; (2) Carry out Secretary Kerry's public declarations that "[w]e must hold the perpetrators accountable," "help those harmed by these atrocities be able to survive on their ancestral land," and "stop" the "crimes"<sup>2</sup>; and/or (3) Otherwise address, counter, mitigate, oppose, or respond to the ISIS/ISIL/Daesh genocide against Christians and other religious minorities, and provide relief to the victims. Such efforts include, but are not limited to, communications or briefings with

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<sup>1</sup> The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity with respect to international affairs, and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring the ongoing viability of freedom and liberty in the United States and around the world.

<sup>2</sup> John Kerry, *Remarks on Daesh and Genocide*, U.S. DEP'T OF STATE (Mar. 17, 2016), <http://www.state.gov/secretary/remarks/2016/03/254782.htm>.

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individual, institutional and/or sovereign members of the international community, as well as within the DOS or between DOS officials and other governmental officials.

### **Background**

Pursuant to State Department FOIA regulation 22 C.F.R. § 171.4(b), this Background addresses “the subject, timeframe, names of any individuals involved, a contract number (if applicable), and reasons why the requester believes the Department may have records on the subject of the request.” 22 C.F.R. § 171.4(b).

Article I of the Genocide Convention establishes a duty for contracting states to “prevent and to punish” genocide. Article 8 articulates one of the mechanisms available to effectuate that duty: “Any Contracting Party may call upon the competent organs of the United Nations to take such action” as “appropriate for the prevention and suppression of acts of genocide.”<sup>3</sup>

In her book originally published in 2002, “A Problem from Hell: America and the Age of Genocide,” U.S. Permanent Representative to the United Nations Ambassador Samantha Power wrote that “the United States had never in its history intervened to stop genocide, and in fact rarely even made a point of condemning it as it occurred.”<sup>4</sup>

In 2014, the DOS issued two reports: one regarding atrocities occurring in Syria; and one regarding atrocities in Iraq.<sup>5</sup>

On August 7, 2014, Secretary of State John Kerry declared that “ISIL’s campaign of terror against the innocent, including Yezidi and Christian minorities, and its grotesque and targeted acts of violence bear all the warning signs and hallmarks of genocide.”<sup>6</sup>

On December 7, 2015, the United States Commission on International Religious Freedom (“USCIRF”), released the following statement:

USCIRF calls on the U.S. government to designate the Christian, Yazidi, Shi’a, Turkmen, and Shabak communities of Iraq and Syria as victims of genocide by ISIL. USCIRF also urges American and other world leaders to condemn the

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<sup>3</sup> Convention on the Prevention and Punishment of the Crime of Genocide, art. II, Dec. 9, 1948, 78 U.N.T.S. 277 [hereinafter Genocide Convention]. We recognize that the United States has reserved its own definition of genocide for purposes of the Convention. See 18 U.S.C. § 1091(a) (2012). However, both the Convention and the United States’ definitions have been satisfied.

<sup>4</sup> SAMANTHA POWER, “A PROBLEM FROM HELL”: AMERICA AND THE AGE OF GENOCIDE 512-13 (2013).

<sup>5</sup> BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP’T OF STATE, SYRIA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 2 (2014) [hereinafter Syria Report]; BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP’T OF STATE, IRAQ 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 3 (2014) [hereinafter Iraq Report].

<sup>6</sup> *There is Only One Word for What is Happening: Genocide*, KOFC.ORG (Mar. 10, 2016), <http://www.kofc.org/en/news/releases/one-word-genocide.html>.

genocidal actions and crimes against humanity of ISIL that have been directed at these groups and other ethnic and religious groups.<sup>7</sup>

On February 5, 2016, the ACLJ sent a letter<sup>8</sup> to Secretary Kerry regarding legal analysis of the law of genocide as applied to atrocities being committed by ISIS against Christians, and urging Secretary Kerry to formally recognize the ISIS atrocities against Christians as genocide.

On March 9, 2016, the Knights of Columbus and In Defense of Christians submitted a joint report,<sup>9</sup> with thorough data, including first-hand accounts of genocide survivors and relatives of genocide victims, provided by the Shlomo Organization for Documentation, to Secretary Kerry.

On March 14, 2016, the U.S. House of Representatives *unanimously* passed a Concurrent Resolution, proclaiming:

(1) the atrocities perpetrated by ISIL against Christians, Yezidis, and other religious and ethnic minorities in Iraq and Syria constitute *war crimes, crimes against humanity, and genocide*;

. . . .

(3) the member states of the United Nations should coordinate urgently on measures to prevent further war crimes, crimes against humanity, and genocide in Iraq and Syria, and to punish those responsible for these ongoing crimes, including by the collection and preservation of evidence and, if necessary, the establishment and operation of appropriate tribunals.<sup>10</sup>

According to the unanimous Resolution:

“ISIL specifically targets these religious and ethnic minorities, intending to kill them or force their submission, conversion, or expulsion”;

“religious and ethnic minorities have been murdered, subjugated, forced to emigrate, and subjected to grievous bodily and psychological harm, kidnapping, human trafficking, torture, and rape”;

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<sup>7</sup> Press Release, U.S. Comm’n on Int’l Religious Freedom, USCIRF Statement on the Designation of Victims of Genocide, Persecution, and Crimes Against Humanity in Syria and Iraq (Dec. 7, 2015) [hereinafter Press Release], <http://www.uscifr.gov/news-room/press-releases/uscifr-statement-the-designation-victims-genocide-persecution-and-crimes>.

<sup>8</sup> Letter from Jay Alan Sekulow et al. to John F. Kerry (Feb. 5, 2016), [http://media.aclj.org/pdf/Kerry-ltr-02052016-\(1\)\\_Redacted.pdf](http://media.aclj.org/pdf/Kerry-ltr-02052016-(1)_Redacted.pdf).

<sup>9</sup> GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, KNIGHTS OF COLUMBUS AND IN DEFENSE OF CHRISTIANS (Mar. 9, 2016), <http://indefenseofchristians.org/wp-content/uploads/2016/03/Genocide-report.pdf>.

<sup>10</sup> H.R. Con. Res. 75, 114<sup>th</sup> Cong. (1st Sess. 2015), available at <https://www.congress.gov/bills/114th-congress/house-concurrent-resolution/75/text>.

“ISIL engages in, and publicly argues in favor of, the sexual enslavement of non-Muslim women, including pre-pubescent girls”;

“ISIL atrocities against Christians, Yezidis, and other minorities have included mass murder, crucifixions, beheadings, rape, torture, enslavement, the kidnaping of children, and other violence deliberately calculated to eliminate their communities from the so-called Islamic State.”<sup>11</sup>

On March 17, 2016, Secretary Kerry publically pronounced his “judgment” that:

Daesh is responsible for genocide against groups in areas under its control, including Yezidis, Christians, and Shia Muslims. Daesh is genocidal by self-proclamation, by ideology, and by actions – in what it says, what it believes, and what it does. Daesh is also responsible for crimes against humanity and ethnic cleansing directed at these same groups and in some cases also against Sunni Muslims, Kurds, and other minorities.<sup>12</sup>

Secretary Kerry continued: “We know that in Mosul, Qaraqosh, and elsewhere, Daesh has executed Christians solely because of their faith; that it executed 49 Coptic and Ethiopian Christians in Libya; and that it has also forced Christian women and girls into sexual slavery.”<sup>13</sup>

In conclusion, Secretary Kerry stated: “[T]oday, I say to all our fellow citizens and to the international community, we must recognize what Daesh is doing to its victims. We must hold the perpetrators accountable. And we must find the resources to help those harmed by these atrocities be able to survive on their ancestral land.”<sup>14</sup> And, “Naming these crimes is important. But what is essential is to stop them. That will require unity in this country and within the countries directly involved, and the determination to act against genocide, against ethnic cleansing, against the other crimes against humanity must be pronounced among decent people all across the globe.”<sup>15</sup>

On April 26, 2016, Secretary Kerry reiterated his March 17, 2016, statements, in public remarks delivered at Rice University:

In the time since, Daesh has continued to target religious minorities. They continue to kill Yezidis because they are Yezidis, Christians because they are Christians, Shia because they are Shia. In my judgment – and I registered this last month – Daesh is responsible for committing genocide against these groups in areas under its control.<sup>16</sup>

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<sup>11</sup> *Id.*

<sup>12</sup> John Kerry, *Remarks on Daesh and Genocide*, U.S. DEP’T OF STATE (Mar. 17, 2016), <http://www.state.gov/secretary/remarks/2016/03/254782.htm>.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> John Kerry, *Remarks at Rice University’s Baker Institute for Public Safety*, U.S. DEP’T OF STATE (Apr. 26, 2016), <http://www.state.gov/secretary/remarks/2016/04/256618.htm>.



On May 23, 2016, the ACLJ sent a second letter to Secretary Kerry, thanking him for declaring ISIS's acts as acts of genocide and requesting that he use his position to mobilize the international community to stop the genocide and protect the victims.<sup>17</sup>

On June 6, 2016, the ACLJ sent a letter to United States Permanent Representative to the U.N., Ambassador Samantha Power, thanking her for her consistent stance against genocide and urging her to "continue and intensify" efforts to mobilize international community to stop the genocide against Christians and others by ISIS.<sup>18</sup>

In its May 23, 2016, letter to Secretary Kerry and its June 6, 2016, letter to Ambassador Power, the ACLJ specifically requested that the DOS raise the issue of ISIS genocide against Christians and other religious and ethnic minorities at the 32nd Session of the United Nations Human Rights Council in June 2016.

In its "Fact Sheet: Key U.S. Outcomes at the UN Human Rights Council 32nd Session,"<sup>19</sup> no mention is made of any effort to raise or advance the issue of ISIS genocide against Christians in Syria (or elsewhere). Nor was any such mention made in statements delivered by U.S. Representative to the Human Rights Council Ambassador Keith Harper. Instead, Ambassador Harper specifically omitted any reference to "genocide" and "Christian" as victims thereof:

The United States strongly condemns ongoing abuses by Daesh, such as the sale and enslavement of and sexual violence against women and children, *including from Iraq's Yazidi community*. We also call for the immediate release of all women and children held captive by Daesh. The international community stands united and undeterred in its resolve to bring an end to Daesh. We support continued UN reporting to gather, analyze, secure, and preserve evidence of the crimes committed by Daesh, including crimes of sexual violence and enslavement.<sup>20</sup>

While the United States Mission remained silent, representatives of other nations spoke:

- Greece specifically recognized that "Christian communities" were among those victimized by Daesh.

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<sup>17</sup> Letter from Jay Alan Sekulow & Robert W. Ash to John F. Kerry (May 23, 2016), [http://media.aclj.org/pdf/KerryLetter5.23.16 Redacted.pdf](http://media.aclj.org/pdf/KerryLetter5.23.16%20Redacted.pdf).

<sup>18</sup> Letter from Jay Alan Sekulow & Robert W. Ash to Samantha Power (June 6, 2016), [http://media.aclj.org/pdf/SignedLetter-Power-06.06.2016 Redacted.pdf](http://media.aclj.org/pdf/SignedLetter-Power-06.06.2016%20Redacted.pdf).

<sup>19</sup> Fact Sheet: Key U.S. Outcomes at the UN Human Rights Council 32<sup>nd</sup> Session (July 6, 2016), <https://geneva.usmission.gov/2016/07/07/fact-sheet-key-u-s-outcomes-at-the-un-human-rights-council-32nd-session/>.

<sup>20</sup> Interactive Dialogue on the Commission of Inquiry on the Syrian Arab Republic, Statement by the Delegation of the United States of America, Ambassador Keith Harper, U.S. Representative to the Human Rights Council, 32nd Session of the UN Human Rights Council, Geneva (June 21, 2016), *available at* <https://geneva.usmission.gov/2016/06/21/u-s-welcomes-the-on-going-critical-work-of-the-commission-of-inquiry-on-syria/>.

- Germany, recognizing the Council's report only identified Yazidis as genocide victims, asked the Council for more information on *the other minority groups facing persecution*.
- Belgium asserted it was fully aligned with the U.N. and expressed its alarm at the reports of genocide against the Yazidis *and "other religious groups."*
- France recognized that the crimes against the Yazidis *and other ethnic and religious minorities constitute genocide*.

With these facts in mind, and as stated above, this Request seeks records containing and demonstrating any and all efforts made by the DOS or any of its components to: honor the terms of the Genocide Convention; carry out Secretary Kerry's declaration that "[w]e must hold the perpetrators accountable," "help those harmed by these atrocities be able to survive on their ancestral land," and "stop" the "crimes"<sup>21</sup>; and/or otherwise counter, oppose or respond to the ISIS genocide of Christians. Such efforts include, but are not limited to, communications or briefings with individual, institutional and/or sovereign members of the international community, as well as within the DOS or between DOS officials and other governmental officials.

### **Records Requested**

For purposes of this Request, the term "record" is "any information" that qualifies under 5 U.S.C. § 552(f), and includes, but is not limited to, the original or any full, complete and unedited copy of any log, chart, list, memorandum, note, correspondence, writing of any kind, policy, procedure, guideline, agenda, handout, report, transcript, set of minutes or notes, video, photo, audio recordings, or other material. The term "record" also includes, but is not limited to, all relevant information created, stored, received or delivered in any electronic or digital format, e.g., electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government *or private* account or server, consistent with the holdings of *Competitive Enterprise Institute v. Office of Science and Technology Policy*, No. 15-5128 (D.C. Cir. July 5, 2016)<sup>22</sup> (rejecting agency argument that emails on private email account were not under agency control, and holding, "If a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served.").

For purposes of this Request, the term "briefing" includes, but is not limited to, any in-person meeting, teleconference, electronic communication, or other means of gathering or communicating by which information was conveyed to one or more person.

For purposes of this Request, the term "DOS official" includes, but is not limited to, any person who is (1) employed by or on behalf of the DOS, any Mission of the United States, or any

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<sup>21</sup> *Id.*

<sup>22</sup> [https://www.cadc.uscourts.gov/internet/opinions.nsf/75450CA390CB52C985257FE7005038BD/\\$file/15-5128-1622973.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/75450CA390CB52C985257FE7005038BD/$file/15-5128-1622973.pdf).

Delegation of the United States, in any capacity; (2) contracted for services by or on behalf of the DOS, any Mission of the United States, or any Delegation of the United States, in any capacity; or (3) appointed by the President of the United States to serve in any capacity at or within the DOS, any Mission of the United States, or any Delegation of the United States; all without regard to the component, bureau, or office in which that person serves.

For purposes of this Request, all sources, documents, letters, reports, articles and press releases cited in this Request are incorporated by reference as if fully set forth herein.

For purposes of this Request, the term "ISIS, a.k.a. ISIL and/or Daesh" includes, but is not limited to:

- a. "al-Qaeda in Iraq," the "Islamic State of Iraq," "ISI," the "Islamic State of Iraq and Syria," "Islamic State in Iraq and al-Sham," "ISIS," the "Islamic State," "IS," the "Islamic State of Iraq and the Levant," "ISIL," "al-Dawla al-Islamiya al-Iraq al-Sham," "Daesh," the "Caliphate";
- b. any other individuals or organizations associated with ISIS, a.k.a. ISIL and/or Daesh;
- c. any other individuals or organizations pledging allegiance to ISIS, a.k.a. ISIL and/or Daesh; and/or.
- d. any other spelling, translation or iteration of any term, name or description referencing or associated with ISIS, a.k.a. ISIL and/or Daesh.

For purposes of this Request, the timeframe of records requested herein is January 1, 2013, to the date this Request is processed.

Pursuant to FOIA, 5 U.S.C. § 552, ACLJ hereby requests that the DOS respond to the following numbered requests and produce all responsive records within twenty (20) business days:

1. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing or regarding in any way genocide, atrocities, crimes against humanity, war crimes, human rights violations, or any other type of crime or violation of any law or norm, perpetrated by ISIS, a.k.a. ISIL and/or Daesh, members or followers thereof, or associated extremists, against Christians *in Iraq*.
2. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing or regarding in any way genocide, atrocities, crimes against humanity, war crimes, human rights violations, or any other type of crime or violation of any law or norm, perpetrated by ISIS, a.k.a. ISIL and/or Daesh, members or followers thereof, or associated extremists, against Christians *in Syria*.
3. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing or regarding in any way genocide, atrocities, crimes against humanity, war crimes, human rights violations, or any other type of crime or violation of any law or norm, perpetrated by ISIS, a.k.a. ISIL and/or Daesh, members or

followers thereof, or associated extremists, against Christians *in any other location, region, territory, or nation.*

4. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing, reflecting, expressing, or regarding in any way any DOS effort or action to stop, slow, counter, mitigate or otherwise oppose the genocide, atrocities, crimes against humanity, war crimes, human rights violations, or any other type of crime or violation of any law or norm, perpetrated by ISIS, a.k.a. ISIL and/or Daesh, members or followers thereof, or associated extremists, against Christians *in Iraq, Syria, or any other location, region, territory, or nation.*

5. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing, reflecting, expressing, or regarding in any way any DOS effort or action to protect, provide or grant relief, aid or assist Christian victims of genocide, atrocities, crimes against humanity, war crimes, human rights violations, or any other type of crime or violation of any law or norm, perpetrated by ISIS, a.k.a. ISIL and/or Daesh, members or followers thereof, or associated extremists, *in Iraq, Syria, or any other location, region, territory, or nation.*

6. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing or regarding in any way Secretary Kerry's judgment that Christians were victims of genocide perpetrated by ISIS, a.k.a. ISIL and/or Daesh, members or followers thereof, or associated extremists, as set forth in his *Remarks on Daesh and Genocide*, U.S. DEP'T OF STATE (Mar. 17, 2016), <http://www.state.gov/secretary/remarks/2016/03/254782.htm>.

7. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, containing, referencing, discussing or regarding in any way any United States or DOS obligation, policy, procedure, plan, decision, action, guidance, directive, memorandum, curriculum, goal, objective, fact sheet, talking points, statement or press release, or any discussion thereof, with respect to ISIS, a.k.a. ISIL and/or Daesh genocide that resulted from, gave force to, implemented, or manifested any statement expressed by Secretary Kerry in his *Remarks on Daesh and Genocide*, U.S. DEP'T OF STATE (Mar. 17, 2016), <http://www.state.gov/secretary/remarks/2016/03/254782.htm>.

8. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, containing, referencing, discussing or regarding in any way any United States or DOS obligation under the Convention on the Prevention and Punishment of the Crime of Genocide, art. II, Dec. 9, 1948, 78 U.N.T.S. 277, or 18 U.S.C. § 1091(a) (2012), with respect to ISIS, a.k.a. ISIL and/or Daesh genocide, resulting from Secretary Kerry statements in his *Remarks on Daesh and Genocide*, U.S. DEP'T OF STATE (Mar. 17, 2016), <http://www.state.gov/secretary/remarks/2016/03/254782.htm>.



9. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing or regarding in any way any statement, finding, or recommendation by USCIRF concerning “genocidal actions and crimes” against humanity, *including Christians*, and other ethnic and religious groups, committed by ISIS, a.k.a. ISIL and/or Daesh.<sup>23</sup>

10. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing or regarding in any way any statement, finding, resolution or recommendation contained in the United States House of Representatives’ Concurrent Resolution 75.<sup>24</sup>

11. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing, containing or regarding in any way any United States or DOS policy, procedure, plan, decision, action, guidance, directive, memorandum, curriculum, goal, objective, fact sheet, talking points, statement or press release, or any discussion thereof, with respect to ISIS, a.k.a. ISIL and/or Daesh genocide occurring *in Iraq*.

12. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing, containing or regarding in any way any United States or DOS policy, procedure, plan, decision, action, guidance, directive, memorandum, curriculum, goal, objective, fact sheet, talking points, statement or press release, or any discussion thereof, with respect to ISIS, a.k.a. ISIL and/or Daesh genocide occurring *in Syria*.

13. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing, containing or regarding in any way any United States or DOS policy, procedure, plan, decision, action, guidance, directive, memorandum, curriculum, goal, objective, fact sheet, talking points, statement or press release, or any discussion thereof, with respect to ISIS, a.k.a. ISIL and/or Daesh genocide occurring *in any other location, region, territory, or nation*.

14. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing or regarding in any way *the decision not to address, raise, condemn, or otherwise mention in written or oral form at the 32nd Regular Session of the U.N. Human Rights Council* genocide, atrocities, crimes against humanity, war crimes, human rights violations, or any other type of crime or violation of any law or norm, perpetrated by ISIS, a.k.a. ISIL and/or Daesh, members or followers thereof, or associated extremists, against Christians *in Syria*.

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<sup>23</sup> Press Release, *supra* note 7, [uscifr.gov/news-room/press-releases/uscifr-statement-the-designation-victims-genocide-persecution-and-crimes](https://www.uscifr.gov/news-room/press-releases/uscifr-statement-the-designation-victims-genocide-persecution-and-crimes).

<sup>24</sup> H.R. Con. Res. 75, 114<sup>th</sup> Cong. (1st Sess. 2015), available at <https://www.congress.gov/bill/114th-congress/house-concurrent-resolution/75/text>.

15. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, at, within or in connection with the Permanent Mission of the United States of America to the United Nations and Other International Organizations in Geneva, referencing, discussing, reflecting, expressing, or regarding in any way genocide, atrocities, crimes against humanity, war crimes, human rights violations, or any other type of crime or violation of any law or norm, perpetrated by ISIS, a.k.a. ISIL and/or Daesh, members or followers thereof, or associated extremists, against Christians *in any location, region, territory, or nation.*

16. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing or regarding in any way *whether or not to address, raise, condemn, or otherwise mention in written or oral form at any United Nations function, Assembly, Session, Council, Committee, Organ or Office* genocide, atrocities, crimes against humanity, war crimes, human rights violations, or any other type of crime or violation of any law or norm, perpetrated by ISIS, a.k.a. ISIL and/or Daesh, members or followers thereof, or associated extremists, against Christians *in any location, region, territory, or nation.*

17. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing, reflecting, expressing, or regarding in any way a referral by the United Nations Security Council to the International Criminal Court or the establishment of a tribunal for prosecution of ISIS, a.k.a. ISIL and/or Daesh, members or followers thereof, or associated extremists, for committing genocide, atrocities, crimes against humanity, war crimes, human rights violations, or any other type of crime or violation of any law or norm, *against Christians or any other victims in any location, region, territory, or nation.*

18. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing or regarding in any way *whether or not to address, raise, condemn, or otherwise mention in written or oral form to any representative, mission, diplomat, delegation or dignitary of any nation* genocide, atrocities, crimes against humanity, war crimes, human rights violations, or any other type of crime or violation of any law or norm, perpetrated by ISIS, a.k.a. ISIL and/or Daesh, members or followers thereof, or associated extremists, against Christians *in any location, region, territory, or nation.*

19. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing or regarding in any way *whether or not to address, raise, condemn, or otherwise mention in written or oral form to any representative, officer or member of a Non-Governmental Organization (NGO)* genocide, atrocities, crimes against humanity, war crimes, human rights violations, or any other type of crime or violation of any law or norm, perpetrated by ISIS, a.k.a. ISIL and/or Daesh, members or followers thereof, or associated extremists, against Christians *in any location, region, territory, or nation.*

20. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing or regarding in any way *whether or not to address, raise, condemn, or otherwise mention in written or oral form to any representative, mission, diplomat, delegation or dignitary of any nation* genocide, atrocities, crimes against humanity, war crimes, human rights violations, or any other type of crime or violation of any law or norm, perpetrated by ISIS, a.k.a. ISIL and/or Daesh, members or followers thereof, or associated extremists, against Christians *in any location, region, territory, or nation*.

21. Any and all records, communications or briefings prepared, reviewed, sent or received by any DOS official, staff, or employee, referencing, discussing, reflecting, expressing, or regarding in any way any United States or DOS policy, procedure, plan, decision, action, guidance, directive, memorandum, curriculum, goal, objective, fact sheet, talking points, statement or press release, or any discussion thereof, with respect to receiving, processing, granting relief, aiding or assisting Christian refugees or Internally Displaced Persons (IDP) fleeing or otherwise affected by the ISIS, a.k.a. ISIL and/or Daesh genocide occurring *in Iraq, Syria, or any location, region, territory, or nation*.

22. Any other record, communications or briefings of any kind or nature that references, discusses, or regards, in any way and for any purpose, genocide, atrocities, crimes against humanity, war crimes, human rights violations, or any other type of crime or violation of any law or norm, perpetrated by ISIS, a.k.a. ISIL and/or Daesh, members or followers thereof, or associated extremists, against Christians *in any location, region, territory, or nation*.

## CONCLUSION

As you are undoubtedly aware, President Obama's Freedom of Information Act Memorandum of January 21, 2009, declares:

A democracy requires accountability, and accountability requires transparency. As Justice Louis Brandeis wrote, "sunlight is said to be the best of disinfectants." In our democracy, the Freedom of Information Act (FOIA), which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensuring an open Government. At the heart of that commitment is the idea that accountability is in the interest of the Government and the citizenry alike.

The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve. In responding to requests under the FOIA,

executive branch agencies (agencies) should act promptly and in a spirit of cooperation, recognizing that such agencies are servants of the public.

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA. . . .<sup>25</sup>

As such, if this Request is denied in whole or in part, ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index.

Moreover, as explained in an accompanying memorandum, the ACLJ is entitled to expedited processing of this Request as well as a waiver of all fees associated with it. The ACLJ reserves the right to appeal a decision to withhold any information sought by this request and/or to deny the separate application for expedited processing and waiver of fees.

Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

Jay Alan Sekulow, Chief Counsel  
Colby M. May, Senior Counsel  
Craig L. Parshall, Special Counsel  
Benjamin P. Sisney, Senior Litigation Counsel  
American Center for Law and Justice



I affirm that the foregoing request and attached documentation are true and correct to the best of my knowledge and belief.

Respectfully submitted,

Handwritten signature of Jay Alan Sekulow in cursive.

Jay Alan Sekulow  
Chief Counsel

Handwritten signature of Colby M. May in cursive.

Colby M. May  
Senior Counsel

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<sup>25</sup> PRESIDENT BARACK OBAMA, MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES RE: FREEDOM OF INFORMATION ACT (Jan. 21, 2009), *available at* [https://www.whitehouse.gov/the\\_press\\_office/FreedomofInformationAct](https://www.whitehouse.gov/the_press_office/FreedomofInformationAct).