

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN CIVIL LIBERTIES UNION and
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,

Plaintiffs,

v.

DEPARTMENT OF DEFENSE, CENTRAL
INTELLIGENCE AGENCY, DEPARTMENT
OF JUSTICE, and DEPARTMENT OF
STATE,

Defendants.

Oral Argument Requested

17 Civ. 3391 (PAE)

ECF CASE

FIFTH DECLARATION OF ANNA DIAKUN

I, Anna Diakun, pursuant to 28 U.S.C. § 1746, hereby declare and state under penalty of perjury that the following is true and correct to the best of my knowledge, information, and belief:

1. I am an attorney at the American Civil Liberties Union Foundation and co-counsel for Plaintiffs the American Civil Liberties Union and the American Civil Liberties Union Foundation (together, the “ACLU”) in the above-numbered action.

2. I submit this declaration in further support of Plaintiffs’ Cross-Motion for Summary Judgment.

3. Attached hereto as Exhibit 1 is a true and correct copy of Jamie McIntyre, *US Supporting Yemen Offensive Against al Qaeda*, Wash. Examiner, Aug. 4, 2017, <https://www.washingtonexaminer.com/us-supporting-yemen-offensive-against-al-qaeda>.

4. Attached hereto as Exhibit 2 is a true and correct copy of Thomas Gibbons-Neff,

U.S. Troops Are on the Ground in Yemen for Offensive Against al-Qaeda Militants, Wash. Post, Aug. 4, 2017, <https://www.washingtonpost.com/news/checkpoint/wp/2017/08/04/u-s-troops-are-on-the-ground-in-yemen-for-offensive-against-al-qaeda-militants>.

5. Attached hereto as Exhibit 3 is a true and correct copy of JS/161, produced to Plaintiffs by the Department of Defense on December 29, 2017.

6. Attached hereto as Exhibit 4 is a true and correct copy of JS/238-239, produced to Plaintiffs by the Department of Defense on December 29, 2017.

7. Attached hereto as Exhibit 5 is a true and correct copy of JS/337-338, produced to Plaintiffs by the Department of Defense on January 31, 2018.

Dated: July 19, 2019
New York, New York

/s/ Anna Diakun
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