

EXHIBIT 28

JUL-15-2005 17:07

US ATTORNEY'S OFFICE

212 P.02/03



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*66 Chambers Street, 5th Floor
New York, New York 10007*

July 15, 2005

BY FACSIMILE

Lawrence S. Lustberg, Esq.
Megan Lewis, Esq.
Gibbons, Del Deo, Dolan,
Griffinger & Vecchione, P.C.
One Riverfront Plaza
Newark, N.J. 07102

Re: ACLU, et al. v. Department of Defense, et al.
No. 04 Civ. 4151 (AKH)

Dear Mr. Lustberg and Ms. Lewis:

We are enclosing a letter from the Central Intelligence Agency addressing the Agency's processing of records in the files of the CIA Office of Inspector General that no longer relate to pending law enforcement proceedings.

Very truly yours,

DAVID N. KELLEY
United States Attorney

By: _____

SEAN H. LANE (SL-4898)
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Assistant United States Attorneys
Telephone: (212) 637-2737

Encl.

JUL-15-2005 17:07

US ATTORNEY'S OFFICE

212 P.03/03

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

Office of General Counsel

15 July 2005

Megan Lewis, Esq.
Gibbons, Del Deo, Dolan,
Griffinger & Vecchione, P.C.
One Riverfront Plaza
Newark, NJ 07102-5495

Re: ACLU v. DOD, 04 Civ. 4151 (S.D.N.Y.) (AKH)

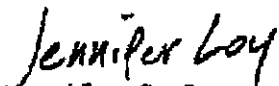
Dear Ms. Lewis:

Pursuant to the Court's 23 May 2005 order in the referenced case, this letter addresses records in the files of the Central Intelligence Agency (CIA) Office of Inspector General (OIG) that are responsive to your 25 May 2004 Freedom of Information Act (FOIA) request for records since 11 September 2001, pertaining to "the treatment of Detainees in United States custody; the deaths of Detainees in United States custody; and, the rendition of Detainees and other individuals to foreign powers known to employ torture or illegal interrogation techniques," which no longer relate to pending law enforcement proceedings. CIA processed your request in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act, 50 U.S.C. § 431, as amended.

The CIA has completed a search for records responsive to your request, has located responsive documents, and has made the following determinations: All the documents described above are withheld in their entirety pursuant to FOIA exemptions (b)(1), (b)(2), (b)(3), (b)(5), and (b)(6).

During its search and review, the CIA also identified documents originated by other agencies and CIA documents containing information from other agencies. This material appears to be responsive to your request and thus the CIA has referred this material to the originating agencies for review and coordination with the CIA or direct response to you from other agencies.

Sincerely,


Jennifer G. Loy
Assistant General Counsel

TOTAL P.03