

EXHIBIT D

From: Mashberg, Gregg M.
Sent: Thursday, November 19, 2020 5:26 PM
To: 'Robinson, Kellie N' <RobinsonKN@state.gov>; State Department FOIA <noreply@mail.foia.state.gov>
Cc: FOIA Program <Foiaprogram@state.gov>; Miller, Jeanne <MillerJ5@state.gov>; FOIArequest <FOIArequest@state.gov>; 'ogis@nara.gov' <ogis@nara.gov>
Subject: RE: FOIA Request Letter - FOIA Request F-2020-07550

Dear Ms. Robinson and Colleagues:

I am writing to request an update on the status of the above-referenced request. I, of course, recognize the dislocation caused by the pandemic but would greatly appreciate your advising me of where this request stands in the process.

Thank you for your kind assistance.

Sincerely,

Gregg M. Mashberg
Partner

[Proskauer](#)
Eleven Times Square
New York, NY 10036-8299
d 212.969.3450/ f 212.969.2900
gmashberg@proskauer.com

From: Robinson, Kellie N <RobinsonKN@state.gov>
Sent: Tuesday, October 6, 2020 8:28 AM
To: State Department FOIA <noreply@mail.foia.state.gov>; Mashberg, Gregg M. <GMashberg@proskauer.com>
Cc: FOIA Program <Foiaprogram@state.gov>; Miller, Jeanne <MillerJ5@state.gov>; FOIArequest <FOIArequest@state.gov>
Subject: RE: FOIA Request Letter - FOIA Request F-2020-07550

This email originated from outside the Firm.

Dear Mr. Mashberg:

Our records indicate that your request was received on August 10, 2020, and the attached acknowledgement was sent to you on August 11, 2020. The FOIA Control Number assigned to your request is F-2020-07550. Please reference the control number on future correspondence. If you have any questions regarding the status of your request, you may contact our FOIA Requester Service Center or our FOIA Public Liaison via email at FOIAstatus@state.gov or by telephone at (202) 261-8484.

The Department's ability to acknowledge receipt, and process documents in response to requests or appeals has been greatly diminished. Due to the grave impact of the COVID-19 pandemic the Department has implemented maximum telework flexibilities to protect its employees and their communities. The Department has devoted substantial resources to adapting its FOIA program considering the significant and unprecedented constraints imposed by COVID-19. The Department's paramount concern for the safety of its employees and the necessity to access Department worksites of the systems the Department uses to process FOIA off-site, further delays may be incurred.

Sincerely,

Kellie N. Robinson
U.S. Department of State
FOIA Program Manager/FOIA Public Liaison
Office of Information Programs and Services
Office: (202) 485-2199
Mobile: (202) 705-6786
RobinsonKN@state.gov

From: State Department FOIA <noreply@mail.foia.state.gov>
Sent: Friday, August 7, 2020 6:58 PM
To: Mashberg, Gregg M. <GMashberg@proskauer.com>
Subject: FOIA Request Letter

This email originated from outside the Firm.

Thank you for filing your FOIA request online on 8/7/2020. Here is a review of your request.

The records I request can be described as follows:

PLEASE NOTE: I HAVE MAILED THIS LETTER TO IPS. THE FAX NUMBERS DO NOT WORK. THE FOOTNOTES TO THIS LETTER DO NOT APPEAR August 7, 2020 Via First Class Mail Via Facsimile (202) 485-1669 Via Facsimile (202) 261-8579 U. S. Department of State Office of Information Programs and Services A/GIS/IPS/RL 2201 C Street N.W., Suite B266 Washington, D.C. 20520-0000 U.S. Department of State Office of Information Programs and Services State Annex 2 (SA-2) 515 22nd Street, N.W. Washington, DC 20522-8100 Re: FOIA Request re: Extradition of Ahlam al-Tamimi from Jordan Dear Sir or Madam: This firm is counsel to Arnold and Frimet Roth (the "Roths"). Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, and 22 C.F.R Part 171 ("FOIA"), the Roths respectfully request that the Department of State ("DOS") produce the "records" (1) identified below pursuant to and within the time frames set forth in FOIA. Background and Definitions The Roths' fifteen year old daughter, Malki Roth, a U.S. national, was

murdered in the August 9, 2001 terrorist bombing of the Sbarro Pizzeria in Jerusalem (the “Sbarro Attack”). Since 2011, the Hashemite Kingdom of Jordan (“Jordan”) has been harboring the terrorist responsible for the Sbarro Attack, Ahlam Aref Ahmad al-Tamimi (“Tamimi”). In 2013, the U.S. Department of Justice (“DOJ”) filed a criminal complaint (the “Complaint”) against Tamimi for violation of 18 U.S.C. §§ 2332a(a)(1) and (2), arising out of Tamimi’s role in the Sbarro Attack and issued a warrant for her arrest. Case 1:13-mj-580 (D.D.C., July 15, 2013). (2) DOJ unsealed the Complaint on March 14, 2017 and included her on the list of FBI Most Wanted Terrorists. Pursuant to the terms of the extradition treaty between the U.S. and Jordan, executed on or about March 28, 1995, and entered into force on or about July 29, 1995 (the “Treaty”), the U.S. has requested that Jordan extradite Tamimi to the U.S. to stand trial for the murder of Malki Roth and another U.S. national in the Sbarro Attack (the “Extradition Request”). Jordan, however, has refused to comply with the Extradition Request, claiming that the Treaty is not effective (the “Treaty Rejection”). DOS (3) , however, deems the Treaty to be in force and valid, listing it as such in the DOS publication, “Treaties in Force.” Records Requested 1. All records or other documents or communications constituting or relating to the exchange of Instruments of Ratification (4) between the U.S. and Jordan relating to the Treaty. 2. All records or other documents or communications constituting or relating to any proposed or actual presidential proclamation and/or Executive Order declaring the Treaty to be in force. 3. All records or other documents or communications constituting or relating to any diplomatic notes or other communications from Jordan with respect to Jordan’s internal procedures with respect to bringing the Treaty into force. 4. All records or other documents or communications constituting or relating to the Extradition Request, including intra-U.S. government communications as well as communications between the U.S. government and Jordan with respect thereto. 5. All records or other documents or communications constituting or relating to Jordan’s refusal to comply with the Extradition Request, including intra-U.S. government communications as well as communications between the U.S. government and Jordan with respect thereto. 6. All records or other documents or communications relating to (a) Jordan’s Court of Cassation’s decision, on or about March 20, 2017, that the Treaty is invalid under Jordanian constitutional law, including intra-U.S. government communications as well as communications between the U.S. government and Jordan; and (b) any prior ruling by a Jordanian court (including without limitation in 1996) regarding the validity or effectiveness of the Treaty. 7. All records or other documents or communications relating to any statement by or communication from Jordan regarding whether the Treaty is in force, including intra-U.S. government communications as well as communications between the U.S. government and Jordan. 8. All records or other documents or communications relating to (a) the inclusion of the Treaty in Treaties in Force, and (b) the statement in DOS’s “Country Reports on Terrorism 2019: Jordan” (5) that, in the context of noting the Extradition Refusal, “The United States regards the extradition treaty with Jordan as valid and in force.” 9. All records or other documents or communications relating to any instances where the Treaty has (a) been applied or utilized or (b) not applied or utilized with respect to the extradition, transfer or rendition of persons from Jordan to the U.S., other than Tamimi, including but not limited to Eyad Ismoil (a/k/a Iyad Isama’il Al-Najim) (6); Mohammad Zaki Amawi (7) ; and Nader Saadeh (8) . To the extent DOS objects to any of the above requests, in whole or in part, the Roths respectfully request that DOS produce all records to which it has no objection and otherwise explain the bases for any objections The Roths acknowledge will agree to pay a fee in excess of \$25.00, subject to prior notice of the amount of such excess and the Roths’ agreement to pay such excess fee. Thank you for your cooperation. Sincerely, Gregg M. Mashberg Cc: Arnold and Frimet Roth _____ 1. As defined in 22 C.F.R. 171.1(b). 2. https://www.investigativeproject.org/documents/case_docs/3258.pdf 3. References herein to DOS include the U.S. Mission in Amman. 4. Instruments of ratification refer to the exchange of instruments by the parties to the treaty whereby each country gives notice to the other that it has completed its domestic constitutional processes for approval and entry into force of the agreement. See generally <https://www.justice.gov/file/23646/download> 5. <https://www.state.gov/reports/country-reports-on-terrorism-2019/jordan/> 6. <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/contemporary-practice-of-the-united-states-relating-to-international-law/1A53A8ED43F7094469D422264D4CE174> 7. <https://www.jpost.com/International/US-Alleged-terrorist-tries-to-annul-extradition> 8. <https://www.alaraby.co.uk/english/news/2015/8/11/jordanian-american-appears-in-new-york-court-on-is-charges>

The time period of my request is from 01/01/96 to 08/07/2020

I am An individual seeking information for personal use and not for commercial use.

I am willing to pay \$25 for my request.

I request a waiver of all fees for this request.

Reason: The information requests concerns the refusal of a U.S. ally, the Hashemite Kingdom of Jordan, to comply with the 1995 extradition treaty and extradite an "FBI Most Wanted Terrorist" to stand trial in the U.S. for murdering two American nationals in a terrorist attack. Jordan's refusal to honor its treaty obligations to the U.S. and its continuing harboring of a terrorist murderer of American citizens is a matter of great interest to the American public. The U.S. provides bilateral assistance to Jordan of over \$1 billion per year and Jordan's refusal to respect American law calls into serious question the nature of the relationship between our two countries. It is certainly a matter of public interest. This request does not concern any commercial interests of the requester.

My additional comments are as follows:

N/A

Contact Information

Mr. Gregg M Mashberg

Proskauer Rose LLP

11 Times Square

New York, New York 10036

P: N/A

F: N/A

gmashberg@proskauer.com