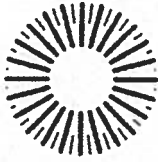


APPENDIX "B"



HERBERT
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Date
September 24, 2021
Letter to
Michael B. Donley

Michael B. Donley
Director
Administration and Management
U.S. Department of Defense
Freedom of Information Act Program
1155 Defense Pentagon
Washington, DC 20301-1155

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Our ref
31040373

Date
September 24 2021

Appeal submitted to Department of Defense ("DOD") on April 5, 2021 of Constructive Denials of FOIA Requests (Requests submitted in 2018) by Investigative Journalist Emmanuel Freudenthal

Dear Director Donley:

I am writing on behalf of our client, freelance investigative journalist Emmanuel Freudenthal. On April 5, 2021 we submitted to your predecessor, Interim Director Thomas M. Muir, the referenced constructive denial appeal ("April 5 DOD Appeal"; copy attached). The April 5 DOD appeal concerned the U.S. Africa Command ("AFRICOM") / DOD's failure to timely provide records responsive to his two FOIA Requests, submitted on July 14, 2018 and August 2, 2018 ("the 2018 Requests"; latter Request assigned Case Number 2018-132). To date, I have not received any response whatsoever from DOD to my April 5 transmittal. On June 2, 2021, AFRICOM FOIA advised Mr. Freudenthal (copy attached): "As this request has been appealed, it is no longer under our purview. If you would like a status update please contact the DoD Appeals Office." Mr. Freudenthal thereafter received via MuckRock on August 19, 2021 a message (copy attached) advising that DOD was unable to complete its review of his appeal of Case Number 2018-132 (assigned by DOD appeal reference number 21-AC-00061-A1) within the statutory time requirement. No mention was made regarding the other Request.

As explained in the appeal papers and supporting materials we submitted, more than three years have now passed since Mr. Freudenthal submitted his initial requests. Moreover, as further explained in our appeal, Mr. Freudenthal provided all clarifications and scope revisions requested by AFRICOM, and AFRICOM assured Mr. Freudenthal that materials would be provided. AFRICOM has never asserted the records were protected from disclosure by any of the exemptions contained in the law or by any exclusions. Nevertheless, after more than three years, AFRICOM has failed to provide a single page

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of documents responsive to Mr. Freudenthal's requests. On the contrary, despite its statutory duty, AFRICOM has failed to provide any meaningful response or offer any reasonable explanation for its delays. Rather, AFRICOM has simply stopped responding to Mr. Freudenthal's inquiries, including to his further efforts in August 2020 to reach out to AFRICOM Media Operations (two non-substantive responses at the outset, then no response to Mr. Freudenthal's inquiries at all).and the OSD FOIA Liaison (no response).

The treatment of Mr. Freudenthal's requests is contrary to applicable statutes, regulations, and mandated procedures, and indeed to the very purpose of FOIA. This disregard – including the complete disregard of Mr. Freudenthal's efforts to appeal -- constitutes an ongoing constructive denial of his requests.

With a new Administration taking office, and with your recent appointment as permanent Director of Administration and Management, we respectfully reach out to you as the DOD's Chief FOIA Officer to please consider the submissions we have made (which set forth in detail the background, nature, and importance of the requests), so that Mr. Freudenthal's requests can finally and expeditiously be fulfilled. During your prior term of service in this position under the Bush Administration, you were quoted as stating that, to improve the processing of Freedom of Information Act requests, "DoD Components must ensure that proper procedures are established and adequate resources are applied to their FOIA programs." In that spirit, we respectfully ask that you please intervene and – as no objections have ever been advanced -- ensure that all the requested materials are produced to Mr. Freudenthal within 30 days of the date of this letter. Please feel free to contact me directly at (917) 542-7816 or lawrence.savell@hsf.com if you have any questions or require any additional information, and I will respond promptly. Thank you very much for your consideration.

Yours sincerely,



Lawrence Savell

Attachments

Via USPS Certified Mail / Return Receipt Requested



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Thomas M. Muir
Interim Director
Administration and Management
Chief FOIA Officer
Office of Freedom of Information
U.S. Department of Defense
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Office of the Secretary of Defense
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1155 Defense Pentagon
Washington, D.C. 20301-1155

Our ref
31040373

Date
April 05 2021

APPEAL of Constructive Denial of Freedom of Information Act ("FOIA") Requests, submitted to U.S. Africa Command ("AFRICOM") July 14, 2018 and August 2, 2018

Dear Interim Director Muir and Appeals Office:

Our client, freelance investigative journalist Emmanuel Freudenthal, hereby submits this constructive denial appeal pursuant to 5 U.S.C. § 552(a)(6), concerning AFRICOM/Department of Defense's ("DOD") failure to timely provide records responsive to his two FOIA Requests, submitted respectively on July 14, 2018 and August 2, 2018 (the latter assigned Case Number 2018-132). Although **more than two and a half years have passed** since these submissions, and despite Mr. Freudenthal's providing all clarifications and scope revisions requested by AFRICOM, AFRICOM making promises to Mr. Freudenthal regarding providing materials, and AFRICOM not asserting the records are protected from disclosure by any of the exemptions contained in the law or by any exclusions, **AFRICOM has failed to provide a single page of documents responsive to Mr. Freudenthal's requests to this date.** AFRICOM, despite its undisputed statutory duty, has failed to provide any meaningful response or offer any reasonable explanation for its delays. It has ceased even responding to Mr. Freudenthal's inquiries, and to his further efforts to resolve this matter the AFRICOM media team never responded and the Office of the Secretary of Defense FOIA Liaison responded non-substantively twice at the outset and then ceased. The treatment of his requests and efforts flies in the face of applicable statutes, regulations, and procedures, and indeed the very purpose of and policy behind FOIA which both AFRICOM and DOD publicly claim to embrace. Such conduct – including complete disregard of Mr. Freudenthal's efforts to appeal up the chain -- constitutes an ongoing constructive denial of his requests that continues to this day. We respectfully request that you please intervene and ensure that all the requested materials are produced to Mr. Freudenthal within 30 days of the date of this letter.

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Date
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Background

Mr. Freudenthal's work uncovers institutional corruption and crimes across Africa. He has spent the last decade investigating and reporting on gross human rights violations, torture, and corporate exploitation of natural resources in developing nations. His investigative journalism uncovering human rights violations by the Cameroonian military has been featured on BBC Africa Eye and won a Peabody Award. His stories have been published by the BBC, Le Monde, Libération, The New Humanitarian, Sydney Morning Herald, The Daily Telegraph, African Arguments, Journal de Montréal, TV5, and others.

Published reports indicate that the U.S. has been providing military support to Cameroon for over a decade, including training, equipment, and other resources. In 2015-16 Amnesty International asserted evidence of illegal detention, extrajudicial killings, and torture by Cameroonian military and intelligence officers of Cameroonian citizens at various army bases – in particular a base named Salak in the north of Cameroon. A collaborative investigation of Amnesty International with Forensic Architecture asserted evidence of previously unreported U.S. personnel presence (military and private contractors) at Salak. After the story of U.S. personnel's proximity to, and alleged knowledge of, these activities broke, AFRICOM ordered an investigation into the matter. Information regarding AFRICOM's investigation on U.S. personnel's proximity to the illegal detentions, extrajudicial killings, and torture of Cameroonian citizens by Cameroonian officers has not yet been made public. It is important that the U.S. government make publicly available the outcome of this investigation to ensure their foreign military operations are conducted lawfully and held to account if and when they fail to uphold international standards of best practice. Mr. Freudenthal's requests address these matters and issues.

Mr. Freudenthal's FOIA Requests

In the course of his ongoing investigative journalism on these issues, on July 14, 2018 and August 2, 2018, Mr. Freudenthal submitted FOIA requests via the AFRICOM website, (<https://www.africom.mil/foia-freedom-of-information-act-requests>) ("Submit a FOIA request using the Contact Us form"), which links to <https://www.africom.mil/contact-us>). AFRICOM is a component of the DOD. The July 14, 2018 request bore the Subject line "Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)"; to our knowledge, AFRICOM never assigned the July 14, 2018 request a case number. AFRICOM assigned the August 2, 2018 request the Subject: "U.S. Africa Command FOIA Request 2018-132."

Chronology

A review of Mr. Freudenthal's communications with AFRICOM regarding these requests reflect his many efforts to obtain the requested materials; the failure of AFRICOM to provide them; the many promises of production AFRICOM made along the way, all of which were broken; and the lengthy periods to date during which AFRICOM did not even reply to Mr. Freudenthal's inquiries to it.

Following Mr. Freudenthal's submission of his requests as directed via AFRICOM's FOIA website, Mr. Freudenthal's communications with AFRICOM, and AFRICOM's communications with Mr. Freudenthal were conducted via the MuckRock.com platform. True and correct copies of these message strings are attached hereto as Exhibit A (July 14, 2018 request) and Exhibit B (August 2, 2018 request). As will be noted, and as Mr. Freudenthal alerted AFRICOM, on occasion AFRICOM apparently confused the two requests.



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1. July 14, 2018 Request ("USA support to Cameroon military (U.S. Africa Command)")

- 07/16/2018 Mr. Freudenthal confirmed the FOIA request he had submitted as directed via AFRICOM's FOIA website seeking: "All agreement with Cameroon relating to defence, support to the Cameroonian military, training of the Cameroonian military and/or weapon sales to them." He noted that this was a media request, that he was a freelance investigative reporter covering East and Central Africa, with a particular focus on business, corruption, natural resources, land and social issues, and that he had a strong likelihood of publishing news articles based on information released in response to this request, having previously been published in Le Monde Afrique, IRIN News, Sydney Morning Herald, African Arguments and other publications. He also requested a fee waiver.
- 08/03/2018 Kirk Schmidt, FOIA Specialist, AFRICOM, in a message bearing subject "U.S. Africa Command FOIA Request 2018-32" – but in the message body referring to it instead as "2018-132" -- apparently confusing this request with the August 2, 2018 request, acknowledged receipt of the August 2, 2018 request.
- 08/06/2018 Mr. Freudenthal followed-up his July 14, 2018 request, asking when he could expect a response, or if further clarification was needed. With no response, he did the same on August 28, 2018; September 17, 2018; October 8, 2018; October 29, 2018; November 28, 2018; December 31, 2018; January 30, 2019; and February 26, 2019.
- 02/27/2019 Megan Farrell, FOIA Specialist, AFRICOM responded, like Mr. Schmidt again confusing the July 14, 2018 request with the August 2, 2018 request, bearing subject "U.S. Africa Command FOIA Request 2018-132" and referring to a February 6, 2019 message she sent re: the August 2, 2018 request.
- 03/29/2019 Mr. Freudenthal again followed-up his July 14, 2018 request, asking when he could expect a response.
- Ms. Farrell responded, now bearing the subject of the July 14, 2018 request: "The material is still under review. I've followed up for an update/estimation completion date, but have not heard back yet. I hope to have information to provide to you soon."
- 04/01/2019 Mr. Freudenthal again followed-up his July 14, 2018 request, noting "This FOIA dates back to July last year – well beyond the legal date." and asking for an estimated date of completion.
- 04/04/2019 Ms. Farrell responded: "I completely understand how you're feeling right now, and I greatly appreciate your patience while awaiting the response to your FOIA request. As you are already aware, potentially responsive information is currently under review outside of our Command. I hate to sound like a broken record, but I've followed up with the office(s) that are reviewing this material, but I have not heard back from them yet as far as a status update or an estimated completion date. I hope to hear something soon."
- 05/06/2019 Mr. Freudenthal again followed-up his July 14, 2018 request, asking when he could expect a response.
- Ms. Farrell responded: "I still have not received a response on the review I need. I will follow up again for an update."



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- 05/08/2019 Mr. Freudenthal again followed-up his July 14, 2018 request, and did so again on June 7, 2019.
- 06/11/2019 Ms. Farrell responded: "I just heard back, the outside agency is estimating having their review to us by the end of summer this year. They added that this length of time is due to high turnover in personnel as a result of PCS-ing."
- Mr. Freudenthal observed, "End of summer is a long time away, it'll be past the 1 year birthday of this request. I really hope the reply will come then[.]"
- 07/11/2019 Mr. Freudenthal again followed-up his July 14, 2018 request.
- Ms. Farrell responded: "The outside agency reviewing the material is still estimating having their review completed by the end of summer. They did not provide an exact date."
- 08/12/2019 Mr. Freudenthal again followed-up his July 14, 2018 request.
- Ms. Farrell responded: "The outside agency reviewing the material is still estimating having their review completed by the end of summer. They did not provide an exact date."
- 09/11/2019 Mr. Freudenthal again followed-up his July 14, 2018 request.
- Ms. Farrell responded, "I just asked for update; I hope to have some information to you soon."
- 09/12/2019 Mr. Freudenthal stated, "I believe 'end of summer' has passed. I'm looking forward to receiving the data."
- 10/14/2019 Mr. Freudenthal followed-up, and again on November 13, 2019 and December 13, 2019.
- 01/13/2020 After another month had passed without response, Mr. Freudenthal sent a message to AFRICOM to advise that AFRICOM's ongoing failure to provide a substantive determination in response constituted a constructive denial of his request, which he was therefore appealing:
- This is an appeal under the Freedom of Information Act.
On July 16, 2018, I submitted the attached request under the Freedom of Information Act.
Via a [message] dated February 27, 2019, the agency claimed that it had previously acknowledged receipt of this request on August 3, 2018 and had assigned it Request No. 2018-132. We have included a copy of that communication, and, as you will see, that [message] was related to another request.
For this particular request, as of this writing, the request has not been given a proper tracking number nor a final determination nor have I been furnished an estimated completion date.
Far more than twenty working days have elapsed without a substantive determination. I am appealing the constructive denial of my request. I ask for a determination requiring that the agency respond to my request, provide the documents, or outline reasons that they are exempt.



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Mr. Freudenthal has never received a response from AFRICOM to this January 13, 2020 message or any acknowledgement of the appeal.

- 08/11/2020 Again confusing the two requests, "AFRICOM FOIA" sent a message with Subject: "U.S. Africa Command FOIA Case No. 2018-132 - Status Update," which stated: "Your request is still undergoing reviewed [sic] by an outside agency. We followed up again yesterday, but have not heard back yet. So, unfortunately we do not have an estimated completion date at this time."
- 09/10/2020 Mr. Freudenthal again followed-up his July 14, 2018 request.
- AFRICOM FOIA responded: "Your request is still undergoing reviewed by an outside agency. We followed up again this afternoon, but have not heard back yet. So, unfortunately we do not have an estimated completion date at this time."
- 10/12/2020 Mr. Freudenthal again followed-up his July 14, 2018 request.
- 10/13/2020 AFRICOM FOIA responded: "Your request is still undergoing review by an outside agency. We followed up again this morning, but have not heard back yet. So, unfortunately we do not have an estimated completion date at this time."
- 11/12/2020 Mr. Freudenthal again followed-up his July 14, 2018 request.
- 11/17/2020 AFRICOM FOIA responded: "Your request is still undergoing review by an outside agency. We followed up again this morning, but have not heard back yet. As a result we, unfortunately, do not have an estimated completion date at this time."
- 12/17/2020 Mr. Freudenthal again followed-up his July 14, 2018 request.
- 12/22/2020 AFRICOM FOIA responded: "Your request is still undergoing review by an outside agency. We have followed up with them, but have not heard back yet. We hope to have a more informative status update to provide to you soon."
- 01/21/2021 Mr. Freudenthal again followed-up his July 14, 2018 request.
- AFRICOM FOIA responded: "Your request is still undergoing review by an outside agency. We followed up with them, but have not heard back yet. We hope to have a more informative status update to provide to you soon."

That January 21, 2021 message is the last Mr. Freudenthal has heard from AFRICOM regarding his July 14, 2018 request.

2. August 2, 2018 Request ("U.S. Africa Command FOIA Request 2018-132")

- 08/02/2018 Mr. Freudenthal confirmed the second FOIA request he had submitted as directed via AFRICOM's FOIA website, this time seeking:
- all/any internal emails that mention the word "Salak" since July 1, 2017; and
 - all documents created since July 1, 2017 that summarize the findings of the AFRICOM investigation into torture at the Salak base (mentioned in this article: <https://www.stripes.com/news/middleeast/2.1198/africom-investigating-if-us-troops-knew-of-torture-at-cameroonian-base-1.480283>).
- He noted that the requested documents would be made available to the general public, and that the request was not being made for commercial purposes; and he looked



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forward to receiving AFRICOM's response within 20 business days, as the statute required. He also requested a fee waiver.

- 08/03/2018 Mr. Schmidt acknowledged receipt of Mr. Freudenthal's request in a message bearing subject "U.S. Africa Command FOIA Request 2018-32" – but in the message body referring to it instead as "2018-132" -- but claimed "your request does not reasonably describe the records requested Your request is too broad and would impose an unreasonable burden upon the agency. Before search will begin, we ask that you give us a [sic] reasonable subjects and search terms."
- 08/04/2018 Mr. Freudenthal promptly provided the further description and specificity Mr. Schmidt requested:
 My first request is a simple keyword search of AFRICOM's emails: all/any internal emails that mention the word "Salak" since 1st July 2017. There's one keyword search that you need to run through AFRICOM employee emails. And then send me the emails resulting from that search. This is a very common type of FOIA request and I believe it's very clear what I am requesting.
 Regarding, my second request: all documents created since 1st July 2017 that summarize the findings of the AFRICOM investigation into torture at the Salak base mentioned in this article: [https://www.stripes.com/news/middle-east/2.1198/africom-investigating-if-ustroops-knew-of-torture-at-cameroonian-base-1.480283\[:\]](https://www.stripes.com/news/middle-east/2.1198/africom-investigating-if-ustroops-knew-of-torture-at-cameroonian-base-1.480283[:])
 The AFRICOM commander, Gen. Thomas Waldhauser, ordered an inquiry in 2017 into Cameroon torture allegations. I am assuming that there are specific staff members of AFRICOM tasked with this inquiry and that these staff members have to report back to the AFRICOM commander. I would like their latest report to the AFRICOM commander regarding this inquiry.
 I hope this is clearer and I look forward to receiving the documents.
- 08/06/2018 Mr. Schmidt agreed "[t]he first part of your request is clear," but claimed it was "so broad that it would impose an unreasonable burden upon the agency." He stated that if Mr. Freudenthal "limited the scope . . . to specific people in this command, as opposed to everyone in U.S. Africa Command, then it would not be considered overly burdensome." More positively, he noted that "[t]he second part of your request is already being processed for another requester but it is still not ready for release. When it is ready it will be made available on the U.S. Africa Command FOIA Reading Room. However, the reading is not yet online." (*To our knowledge, it still is not.*)
- 08/08/2018 Mr. Freudenthal noted regarding the requested emails that he did not know who was tasked with the inquiry or involved in this matter so it was difficult for him to narrow down his request further. Nevertheless, in an effort to expedite his obtaining requested materials, he agreed to "narrow it to emails in the mailbox (i.e. to/from/cc/bcc) of Gen. Thomas D. Waldhauser for the keywords 'Salak' OR 'Cameroon' (that is if one of those keywords show up)," asking "Would that be sufficiently specific?" He also asked when the materials responsive to the second part of the request would be ready, and requested the link to the AFRICOM FOIA reading room as I want to make sure I'm looking at the correct website"
- 08/09/2018 Mr. Schmidt thanked Mr. Freudenthal "for narrowing the scope of [his] request to Gen Waldhauser's emails with the keywords 'Salak' OR 'Cameroon' from 1 JUL 17 to present and the Salak investigation" and advised he did "not have an estimate for when the investigation will be ready for release."



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Mr. Freudenthal then stated he was "Looking forward to receiving the first part of the FOIA." In a further effort to expedite his obtaining requested materials, he stated: "Regarding the second part, I'd like to clarify that I would like the latest report to the AFRICOM commander regarding this inquiry. I do not need the final report of the investigation (which might not be ready as you point out), I would just like to have whatever the latest report, summary or update was made to Gen Waldhauser. Is this the same request as the other one you're processing? Could you send me that document?"

- 09/10/2018 After receiving no response for a month, Mr. Freudenthal followed-up: "Please let me know when I can expect to receive a response, or if further clarification is needed."
- Mr. Schmidt replied: "I will check on the status of the email part of your request. As for the report part of your request, it is still not ready for release. I will keep you posted."
- Mr. Freudenthal stated, "I look forward to your reply. I think we're now over the statutory timeframe so the sooner the better."
- 10/10/2018 After not hearing back for another month, Mr. Freudenthal wrote Mr. Schmidt asking when he could expect a response.
- 11/01/2018 Three weeks later, Mr. Schmidt replied, "I apologize for not getting back to you sooner. We are making progress. I think we will be releasing the investigation mid December."
- Mr. Freudenthal asked, "What about part 1 of the request? That's Gen Waldhauser's emails with the keywords 'Salak' OR 'Cameroon' from 1 JUL 17 to present."
- 12/06/2018 After not hearing back for another month, Mr. Freudenthal followed-up again.
- Mr. Schmidt advised: "We now have the responsive emails. However, we still need to review them and possibly remove any exempt information and/or PII. Thank you for your patience."
- Mr. Freudenthal responded: "Looking forward to receiving the documents."
- 01/07/2019 After not hearing back for another month, Mr. Freudenthal followed-up again.
- 02/06/2019 After another month passed with no word, Mr. Freudenthal followed-up again.
- Ms. Farrell then responded: "I was actually talking with the office(s) that are working on this request earlier this morning; they have located and completed their initial review of material that they feel is responsive to your request. We, the FOIA Office, are currently looking through this potentially responsive material to see if any other offices or agencies need to review it prior to public release. I hope to have this process completed by the end of the week and then tasked out accordingly. I'm unsure of an estimated completion date at this time, it would be dependent on if additional review of the material is necessary."
- Mr. Freudenthal stated: "I'm looking forward to the reply."
- 02/11/2019 At the end of the referenced week, Mr. Freudenthal asked: "Would you have an estimated completion date now that you've done the review?"



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Ms. Farrell advised: "Unfortunately, I do not have an estimated completion date at this time. I tasked the potentially responsive information out for additional review last week to an outside agency. I have not yet heard back from them regarding their estimated completion date. I will let you know as soon as I hear from them."

03/13/2019 After not hearing back for another month, Mr. Freudenthal followed-up again.

Ms. Farrell advised: "I have reached out to the office(s) I tasked for review for an update, but I have not heard back yet. I hope to have information to provide to you soon."

04/15/2019 After not hearing back for an additional month, Mr. Freudenthal followed-up again.

04/18/2019 Ms. Farrell advised: "I heard back from the office reviewing the material, they are hoping to have a response to me within two weeks. Based on their review, I was expect [sic] to have our final response to you within about three weeks after that. Please note that this additional time is required for our Legal Office to review the material prior to release, which is standard, and for the signature authority to sign off on the finalized response."

Mr. Freudenthal replied: "Looking forward to receiving the document in 5 weeks. It's been over a year, we're well beyond the statutory timeframe."

05/20/2019 After the promised five-week deadline had nearly passed, Mr. Freudenthal stated: "You previously indicated that it would be completed on May 24, 2019. I wanted to let you know that I am still interested in the following documents, and to see if that date was still accurate. . . . [L]et me know if further clarification is needed."

Ms. Farrell advised: "I just reached out again for update. I'll let you know as soon as I hear something back."

05/21/2019 Mr. Freudenthal replied: "I really hope the documents can be shared asap. On April 18th you said it'd be within 2 weeks. I know you're not responsible for the delay, but it looks bad that AFRICOM avoids providing a reply for so long."

05/24/2019 Mr. Freudenthal followed-up again.

Ms. Farrell stated: "I still have not received an update from the outside agency(ies) I've been consulting with on this request. As soon as I hear something back I'll let you know."

06/26/2019 After not hearing back for another month, Mr. Freudenthal followed-up again.

01/13/2020 After not hearing back for more than an additional six months, Mr. Freudenthal emailed AFRICOM to advise that AFRICOM's ongoing failure to provide a substantive determination in response constituted a constructive denial of his request, which he was therefore appealing: "This is an appeal under the Freedom of Information Act. On August 2, 2018, I submitted the attached request under the Freedom of Information Act. By an email dated August 3, 2018, the agency acknowledged receipt of this request and assigned it Request No. 2018-132. As of this writing, the request has not been given a final determination nor have I been furnished an estimated completion date for this request. Far more than twenty working days have elapsed without a substantive determination. I am appealing the constructive denial of my request. I ask for a determination requiring that the agency respond to my request, provide the documents, or outline reasons that they are exempt."



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Mr. Freudenthal clicked the red "Appeal" button on MuckRock, which triggered MuckRock generating and submitting via US Mail a "FOIA APPEAL" letter to U.S Africa Command, FOIA Liaison Officer, Unit 29951, APO AE. 09751, following MuckRock's standard procedure in submitting appeals to AFRICOM/DOD based on information provided by AFRICOM/DOD. A true and correct copy of the "FOIA Appeal" letter is attached hereto as Exhibit C.

Neither Mr. Freudenthal nor MuckRock have ever received a response from AFRICOM/DOD to either Mr. Freudenthal's January 13, 2020 message or the submitted FOIA Letter.

02/28/2020 After not hearing back for another month and a half, Mr. Freudenthal asked: "Could you urgently update me on the status of this FOIA request and of the appeal?"

05/29/2020 After not hearing back for a further three months, Mr. Freudenthal followed-up again.

07/31/2020 After not hearing back for a further two months, Mr. Freudenthal followed-up again.

10/21/2020 After not hearing back for a further nearly three months, Mr. Freudenthal followed-up again.

Mr. Freudenthal has still not heard back to this day, and has never received any of the requested materials.

Additional Efforts by Mr. Freudenthal

Mr. Freudenthal reached out in additional ways, also without success.

AFRICOM Media Operations

Attached hereto as Exhibit D is a true and correct copy of Mr. Freudenthal's email string subject "AFRICOM report on Salak" with AFRICOM Media Operations. On August 4, 2020, Mr. Freudenthal emailed africom-pao-media@mail.mil (U.S. Africa Command Media Relations, as directed at <https://www.africom.mil/pressrelease/31052/africa-endeavor-2018-senior-leader-and-communications-symposium-commences>). Mr. Freudenthal identified himself as a freelance journalist, providing his credentials. In addition to providing context, he inquired, "I would like to know when the report commissioned in 2017 by AFRICOM into torture in Salak (Cameroon) has been finalised. If it's not finished yet, then when will be it?" Kelly Cahalan, Media Operation Branch Chief, responded that day, "I will do some research here and get back to you." On August 11, having not heard back, Mr. Freudenthal followed-up with Ms. Cahalan, inquiring: "Any luck with your research?" Ms Cahalan responded, "I don't have anything for you yet. I'll get back to you as soon as I do." That was the last Mr. Freudenthal heard from Ms. Cahalan or AFRICOM Media Operations.

OSD FOIA Liaison

On August 6, 2020, Mr. Freudenthal contacted OSD/JS FOIA Public Liaison, Melissa Walker, by email with subject "AFRICOM FOIA update 2018-132" to OSD.FOIALiaison@mail.mil, a true and correct copy of which is attached hereto as Exhibit E. He stated: "I would like to get an update regarding my FOIA request filed on August 2, 2018 with case number 2018-132. Your colleagues at AFRICOM are not responding to me, even after I appealed the constructive denial of my request. Please find the whole correspondence attached. I have filed the request via Muckrock." Ms. Walker never responded. Mr. Freudenthal also called the FOIA Liaison several times, but it went straight to voicemail every time.



HERBERT
SMITH
FREEHILLS

Date
April 05 2021
Letter to
Thomas M. Muir and Appeals Office

Applicable Statutes, Regulations, and Procedures

FOIA, 5 U.S.C. § 552 et seq., requires federal government agencies to release information upon proper request unless it is shown that disclosure is exempt pursuant to one of nine exemptions contained within the statute. 5 U.S.C. §§ 552(a), (b). See United States Africa Command, FOIA (Freedom of Information Act Requests), <https://www.africom.mil/foia-freedom-of-information-act-requests> ("FOIA is a federal statute which generally provides that any person has a right to request federal agency records, except to the extent the records are protected from disclosure by any of the nine exemptions contained in the law or by one of three special law enforcement exclusions."). DOD is a department of the executive branch of the U.S. government and is an agency within the meaning of 5 U.S.C. §§ 551(1) and 552(f)(1); AFRICOM is a component of DOD. See DoD Freedom of Information Act Handbook, <https://open.defense.gov/transparency/FOIA/FOIA-Handbook/> ("Due to its size and complexity, the Department of Defense's FOIA program is decentralized among the DoD Components, which operate their own FOIA offices and respond directly to the public for their own records. If you desire records from these components, please write to them directly."); United States Africa Command, FOIA (Freedom of Information Act Requests), <https://www.africom.mil/foia-freedom-of-information-act-requests> ("The U.S. Africa Command FOIA office supports all actions related to Freedom of Information requests submitted by the public for access to records under the control of AFRICOM."). See also DoD Directive 5400.07[:] DoD Freedom of Information Act (FOIA) Program, <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/540007p.pdf>, at 3 ("POLICY. The DoD FOIA Program: a. While remaining consistent with the DoD's responsibility to protect national security and other sensitive information, promotes transparency and accountability by: (1) Adopting a presumption in favor of disclosure in all release decisions involving the FOIA. (2) Responding promptly to FOIA requests in a spirit of cooperation."). AFRICOM/DOD has not claimed that any exemption applies to Mr. Freudenthal's request. See also United States Africa Command, FOIA (Freedom of Information Act Requests), <https://www.africom.mil/foia-freedom-of-information-act-requests> ("even if an exemption applies, agencies may use their discretion to release information when there is no foreseeable harm in doing so and disclosure is not otherwise prohibited by law."). To the extent that AFRICOM has located responsive records, but failed to produce them or provide a valid reason for withholding them, that failure violates FOIA, 5 U.S.C. § 552(a)(3).

Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), a federal agency shall, inter alia, make a determination in response to a FOIA request within 20 working days, shall immediately notify the requester of the determination, and shall provide reasons for the agency's determination. If there are "unusual circumstances," an agency may extend the time limit by no more than ten working days. 5 U.S.C. § 552(a)(6)(B)(i). More than 30 working days – indeed, ***over two and a half years*** -- have passed since Mr. Freudenthal filed the requests. Thus, these statutory time periods have elapsed. AFRICOM's ongoing failure to date to comply with the applicable time limit constitutes a constructive denial of Mr. Freudenthal's request, pursuant to 5 U.S.C. § 552(a)(6)(C)(i).

AFRICOM violated Title 32, Part 286, §286.9(b) ("Responses to Requests") by never assigning an individual tracking number/Case Number to the July 14, 2018 request, and thus never including such tracking number/Case Number in correspondence. AFRICOM's frequent failure to respond to Mr. Freudenthal's requests for a date when he would receive the materials, and on the rare occasions when an estimate was given to have never met such deadline, is also contrary to DOD Freedom of Information Act (FOIA) Program, 32 C.F.R. § 286.9(c) ("Estimated dates of completion and interim responses. Upon request, the DoD Component will provide an estimated date by which the DoD Component expects to provide a response to the requester.").

Mr. Freudenthal appealed the failure to produce to AFRICOM/DOD. AFRICOM/DOD did not respond to that appeal, or even acknowledge receipt of it, within the required 20-day period, as well as to this date.



HERBERT
SMITH
FREEHILLS

Date
April 05 2021
Letter to
Thomas M. Muir and Appeals Office

Additionally, Mr. Freudenthal reiterates his request for a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) because disclosure is "likely to contribute significantly to public understanding of the operations or activities of the government; and . . . is not primarily in the commercial interest of the requester." 6 C.F.R. § 5.11 (k)(i)-(ii). Release of the information sought is in the public interest because it will shed light on the matters discussed in the "Background" section above. Per 32 C.F.R. § 286.12(b)(6):

Representative of the news media is any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work, and distributes that work to an audience. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations that broadcast "news" to the public at large and publishers of periodicals that disseminate "news" and make their products available through a variety of means to the general public, including news organizations that disseminate solely on the Internet. A request for records supporting the news-dissemination function of the requester shall not be considered to be for a commercial use. "Freelance" journalists who demonstrate a solid basis for expecting publication through a news media entity shall be considered as a representative of the news media. A publishing contract would provide the clearest evidence that publication is expected; however, DoD Components shall also consider a requester's past publication record in making this determination. DoD Components will advise requesters of their placement in this category.

Based on the facts set forth in this letter, Mr. Freudenthal qualifies for these classifications.

Conclusion

In your Department of Defense, Chief Freedom of Information Act Officer Report to the Department of Justice For 2021,

https://open.defense.gov/Portals/23/Documents/FOIA/CFO/2021_DoD_Chief_FOIA_Officer_Report.pdf, at i, you stated, "I ensure ongoing emphasis on FOIA including the areas of particular interest to DOJ in this year's report: applying the presumption of openness, effective systems for responding to requests, increasing proactive disclosures, increasing greater utilization of technology, and improving timeliness." Here, AFRICOM has failed to provide the documents responsive to Mr. Freudenthal's FOIA requests, in violation of applicable statutes, regulations, and procedures, and indeed the very purpose of and policy behind FOIA which both AFRICOM and DOD publicly claim to embrace. As of the date of this appeal, no further communications from AFRICOM have been received, no determination has been made with respect to the requests, no estimated date of completion has been provided, and no responsive records have been produced. AFRICOM has not acknowledged Mr. Freudenthal's appeal[s] after more than a year. This situation is unacceptable. We respectfully request that the requested materials be produced within 30 days, and the requested fee waiver be granted. If you have any questions or require any additional information, please contact me directly at (917) 542-7816. Thank you.

Yours sincerely,

Lawrence Savell

Attachments
Via USPS Certified Mail / Return Receipt Requested

Exhibit A

From: Emmanuel Freudenthal

07/16/2018

Subject: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

All agreement with Cameroon relating to defence, support to the Cameroonian military, training of the Cameroonian military and/or weapon sales to them.

This request should be properly classified as a media request. I am a freelance investigative reporter covering covering East and Central Africa, with a particular focus on business, corruption, natural resources, land and social issues.

I have a strong likelihood of publishing news articles based on information released in response to this request. I have previously been published in Le Monde Afrique, IRIN News, Sydney Morning Herald, African Arguments and others.

This request should be properly classified as a media request. I am a freelance investigative reporter covering covering East and Central Africa, with a particular focus on business, corruption, natural resources, land and social issues. I have a strong likelihood of publishing news articles based on information released in response to this request. I have previously been published in Le Monde Afrique, IRIN News, Sydney Morning Herald, African Arguments and others. If you have questions about my media classification, please let me know and I'm happy to address them.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filed electronically, by e-mail attachment if available or CD-ROM if not, and I would like text-searchable documents.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Best regards,
Emmanuel Freudenthal

From:

08/03/2018

Subject: U.S. Africa Command FOIA Request 2018-32

Email

Good Afternoon,

We are in receipt of your Freedom of Information Act (FOIA) request dated August 2, 2018. Your request is U.S. Africa Command's FOIA case number 2018-132. You requested:

- all/any internal emails that mention the word "Salak" since 1st July 2017.
- all documents created since 1st July 2017 that summarize the findings of the AFRICOM investigation into torture at the Salak base mentioned in this article:

<https://www.stripes.com/news/middle-east/2.1198/africom-investigating-if-us-troops-knew-of-torture-at-cameroonian-base-1.480283>

According to the FOIA's legislative history, a description would be sufficient if it enabled a professional employee of the agency who was familiar with the subject area of the request to locate the record with a reasonable amount of effort, and reasonably describes records if the agency is able to determine "precisely" what records are being requested.

The FOIA requires requesters to reasonably describe the information they seek so that professional employees familiar with the subject matter can locate responsive information with a reasonable amount of effort. Broad sweeping requests lacking specificity are insufficient; and, even where a request sufficiently describes the records sought, an agency is not required to comply with a request so broad that it would impose an unreasonable burden upon the agency. Courts have explained that the rationale for this rule is that FOIA was not intended to reduce government agencies to full-time investigators on behalf of requesters, or to allow requesters to conduct fishing expeditions through agency files. Courts have ruled that it is the requester's responsibility to frame requests with sufficient particularity to ensure the searches are not unreasonably burdensome.

In one such case, *Freedom Watch, Inc. v. Dep't of State*, No. 12-314, 2013 WL 692770 (D.D.C. Feb. 27, 2013), the court agreed that "the requests failed to identify the documents sought with any modicum of specificity and were thus fatally overbroad and burdensome." The court cited several examples of how broadly the requests were worded. For example, the court noted that one portion of the request sought "any and all communications."

As it stands, your request does not reasonably describe the records requested as discussed in the court case above. Your request is too broad and would impose an unreasonable burden upon the agency. Before search will begin, we ask that you give us a reasonable subjects and search terms. If we have not heard from you by close of business August 17, 2018, we will believe that you are no longer interested and close the request.

"If you are not satisfied with this action, you have the right to appeal to the appellate authority, the Director of Administration, Office of the Secretary of Defense, by writing directly to OSD/Joint Staff Freedom of Information, ATTN: Appeals Office, 1155 Defense Pentagon, Washington, D.C. 20301-1155. Your appeal must be postmarked within 60 calendar days of the date of this response. Alternatively, you may also submit your appeal electronically, within 60 calendar days of the date of this response, at the following link: <http://pal.whs.mil/pa1Main.aspx>. Your appeal should cite case number 2018-25, and be clearly marked "Freedom of Information Act Appeal."

If you have any questions regarding your inquiry, please contact me by phone at + (49) 0711-729-4287, or email: africom.stuttgart.acc.li, st.foia-mba@mail.mil, and refer to case number 2018-132.
Regards,

Kirk Schmidt
FOIA Specialist
U.S. Africa Command

From: Muckrock Staff

08/06/2018

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response, or if further clarification is needed.

Thanks for your help, and let me know if further clarification is needed.

From: Muckrock Staff

08/28/2018

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response, or if further clarification is needed.

Thanks for your help, and let me know if further clarification is needed.

From: Muckrock Staff

09/17/2018

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response, or if further clarification is needed.

Thanks for your help, and let me know if further clarification is needed.

From: Muckrock Staff

10/08/2018

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: Muckrock Staff

10/29/2018

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: Muckrock Staff

11/28/2018

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: Muckrock Staff

12/31/2018

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: Muckrock Staff

01/30/2019

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: Muckrock Staff

02/26/2019

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

Hello,

Could you please provide acknowledgement of this FOIA request, which was initially sent on July 16, 2018?

Thank you.

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

All agreement with Cameroon relating to defence, support to the Cameroonian military, training of the Cameroonian military and/or weapon sales to them.

This request should be properly classified as a media request. I am a freelance investigative reporter covering covering East and Central Africa, with a particular focus on business, corruption, natural resources, land and social issues.

I have a strong likelihood of publishing news articles based on information released in response to this request. I have previously been published in Le Monde Afrique, IRIN News, Sydney Morning Herald, African Arguments and others.

This request should be properly classified as a media request. I am a freelance investigative reporter covering covering East and Central Africa, with a particular focus on business, corruption, natural resources, land and social issues. I have a strong likelihood of publishing news articles based on information released in response to this request. I have previously been published in Le Monde Afrique, IRIN News, Sydney Morning Herald, African Arguments and others. If you have questions about my media classification, please let me know and I'm happy to address them.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filed electronically, by e-mail attachment if available or CD-ROM if not, and I would like text-searchable documents.

Case 1:22-cv-01811 Document 1-2 Filed 06/24/22 Page 20 of 52
Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Best regards,
Emmanuel Freudenthal

From: 02/27/2019
Subject: U.S. Africa Command FOIA Case No. 2018-132 Email

Good morning,

According to my records, you received an acknowledgement of receipt for this request from this office on 3 August 2018. And I see regular correspondence between this office and you since then. Our last email exchange was 6 February 2019 when I informed you that potentially responsive material was located, but we were in the process of reviewing it to see if any other offices or outside agencies would need to review for their equities. Since that time, I have sent the potentially responsive materials to the necessary offices or agencies, but I have not heard back regarding their final response or their estimated completion time.

Please let me know if you have any questions or need any additional information.

Thank you,
Megan

Megan Farrell
FOIA Specialist
U.S. Africa Command

From: Muckrock Staff 03/29/2019
Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command) Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: 03/29/2019
Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. A... Email

Good afternoon Emmanuel,

The material is still under review. I've followed up for an update/estimation completion date, but have not heard back yet. I hope to have information to provide to you soon.

Thank you,
Megan

From: Emmanuel Freudenthal 04/01/2019

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

Dear Megan,

Could you please provide me an estimated date of completion now?

This FOIA dates back to July last year - well beyond the legal date.

Could you also provide me with the contact of your FOIA liaison?

Thanks in advance. Best,
Emmanuel

From: U.S. Africa Command

04/04/2019

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. A... Email

Good morning Emmanuel,

I completely understand how you're feeling right now, and I greatly appreciate your patience while awaiting the response to your FOIA request. As you are already aware, potentially responsive information is currently under review outside of our Command. I hate to sound like a broken record, but I've followed up with the office(s) that are reviewing this material, but I have not heard back from them yet as far as a status update or an estimated completion date. I hope to hear something soon.

Our FOIA liaison is Mr. Jim Hogan. He can be reached at (571) 372-0462 or osd.mc-alex.odcmo.mbx.foia-liaison@mail.mil.

Thank you,
Megan

From: Muckrock Staff

05/06/2019

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command) Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: U.S. Africa Command

05/06/2019

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. A... Email

Good morning Emmanuel,

I still have not received a response on the review I need. I will follow up again for an update. As soon as I hear something, I'll let you know.

Thank you,
Megan

From: Emmanuel Freudenthal

05/08/2019

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command) Email

Thanks Megan.

I hope a response will come soon.

Best,
Emmanuel

From: Muckrock Staff

06/07/2019

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: U.S. Africa Command

06/11/2019

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. A... Email

Good morning Emmanuel,

I reached out again for an update/estimated completion date, but I have not heard anything back yet. I hope to have information to provide to you soon.

Thank,
Megan

From: U.S. Africa Command

06/11/2019

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. A... Email

Emmanuel,

I just heard back, the outside agency is estimating having their review to us by the end of summer this year. They added that this length of time is due to high turnover in personnel as a result of PCS-ing. I understand that this isn't necessarily the news you wanted to hear, but I wanted to pass along all of the information I had.

Thank you,
Megan

From: Emmanuel Freudenthal

06/11/2019

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

Good morning Megan,

Thanks for the update.

End of summer is a long time away, it'll be past the 1 year birthday of this request. I really hope the reply will come then

Best,
Emmanuel

From: Emmanuel Freudenthal

06/11/2019

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

Good morning Megan,

Thanks for the update.

End of summer is a long time away, it'll be past the 1 year birthday of this request. I really hope the reply will come then

Best,
Emmanuel

From: Muckrock Staff

07/11/2019

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: U.S. Africa Command

07/11/2019

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. A... Email

Good afternoon Emmanuel,

The outside agency reviewing the material is still estimating having their review completed by the end of summer. They did not provide an exact date.

Thank you,
Megan

From: Muckrock Staff

08/12/2019

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: U.S. Africa Command

08/12/2019

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. A... Email

Good morning Emmanuel,

The outside agency reviewing the material is still estimating having their review completed by the end of summer. They did not provide an exact date.

Thank you,
Megan

From: Emmanuel Freudenthal 08/12/2019
Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command) Email
Good morning Mega,
Thanks for the update.
Best,
Emmanuel

From: Muckrock Staff 09/11/2019
Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command) Email
To Whom It May Concern:
I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.
Thanks for your help, and let me know if further clarification is needed.

From: U.S. Africa Command 09/11/2019
Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. A... Email
Good morning Emmanuel,
I just asked for update; I hope to have some information to you soon.
Thanks,
Megan

From: Emmanuel Freudenthal 09/12/2019
Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command) Email
Thanks. I believe "end of summer" has passed. I'm looking forward to receiving the data.

From: Muckrock Staff 10/14/2019
Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command) Email
To Whom It May Concern:
I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.
Thanks for your help, and let me know if further clarification is needed.

From: Muckrock Staff 11/13/2019
Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command) Email
To Whom It May Concern:
I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.
Thanks for your help, and let me know if further clarification is needed.

From: Muckrock Staff

12/13/2019

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: Beryl Lipton

01/13/2020

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Mail

To Whom It May Concern:

This is an appeal under the Freedom of Information Act.

On July 16, 2018, I submitted the attached request under the Freedom of Information Act.

Via a letter dated February 27, 2019, the agency claimed that it had previously acknowledged receipt of this request on August 3, 2018 and had assigned it Request No. 2018-132. We have included a copy of that communication, and, as you will see, that letter was related to another request.

For this particular request, as of this writing, the request has not been given a proper tracking number nor a final determination nor have I been furnished an estimated completion date.

Far more than twenty working days have elapsed without a substantive determination. I am appealing the constructive denial of my request. I ask for a determination requiring that the agency respond to my request, provide the documents, or outline reasons that they are exempt.

Thank you for your time and help with this issue.

Best,
Emmanuel Freudenthal

From: U.S. Africa Command

08/11/2020

Subject: U.S. Africa Command FOIA Case No. 2018-132 - Status Update

Email

Good morning,

Your request is still undergoing reviewed by an outside agency. We followed up again yesterday, but have not heard back yet. So, unfortunately we do not have an estimated completion date at this time.

Thank you,
AFRICOM FOIA

From: Muckrock Staff

09/10/2020

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: U.S. Africa Command

09/10/2020

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. A... Email

Good afternoon,

Your request is still undergoing review by an outside agency. We followed up again this afternoon, but have not heard back yet. So, unfortunately we do not have an estimated completion date at this time.

Thank you,
AFRICOM FOIA

From: Muckrock Staff

10/12/2020

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command) Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: U.S. Africa Command

10/13/2020

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. A... Email

Good morning,

Your request is still undergoing review by an outside agency. We followed up again this morning, but have not heard back yet. So, unfortunately we do not have an estimated completion date at this time.

Thank you,
AFRICOM FOIA

From: Muckrock Staff

11/12/2020

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command) Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: U.S. Africa Command

11/17/2020

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. A... Email

Good morning,

Case 1:22-cv-01811 Document 1-2 Filed 06/24/22 Page 27 of 52
Your request is still undergoing review by an outside agency. We followed up again this morning, but have not heard back yet. As a result we, unfortunately, do not have an estimated completion date at this time.

Thank you,
AFRICOM FOIA

From: Muckrock Staff

12/17/2020

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: U.S. Africa Command

12/22/2020

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. A... Email

Good morning,

Your request is still undergoing review by an outside agency. We have followed up with them, but have not heard back yet. We hope to have a more informative status update to provide to you soon.

Thank you,
AFRICOM FOIA

From: Muckrock Staff

01/21/2021

Subject: RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. Africa Command)

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on July 14, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: U.S. Africa Command

01/21/2021

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request: USA support to Cameroon military (U.S. A... Email

Good morning,

Your request is still undergoing review by an outside agency. We have followed up with them, but have not heard back yet. We hope to have a more informative status update to provide to you soon.

Thank you,
AFRICOM FOIA

Exhibit B

Subject: Freedom of Information Act Request: Inquiry (U.S. Africa Command)

Email

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

- all/any internal emails that mention the word "Salak" since 1st July 2017.
- all documents created since 1st July 2017 that summarise the findings of the AFRICOM investigation into torture at the Salak base (mentioned in this article: <https://www.stripes.com/news/middle-east/2.1198/africom-investigating-if-us-troops-knew-of-torture-at-cameroonian-base-1.480283>)

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Emmanuel Freudenthal

From:

08/03/2018

Subject: U.S. Africa Command FOIA Request 2018-32

Email

Good Afternoon,

We are in receipt of your Freedom of Information Act (FOIA) request dated August 2, 2018. Your request is U.S. Africa Command's FOIA case number 2018-132. You requested:

- all/any internal emails that mention the word "Salak" since 1st July 2017.
- all documents created since 1st July 2017 that summarize the findings of the AFRICOM investigation into torture at the Salak base mentioned in this article:

<https://www.stripes.com/news/middle-east/2.1198/africom-investigating-if-us-troops-knew-of-torture-at-cameroonian-base-1.480283>

According to the FOIA's legislative history, a description would be sufficient if it enabled a professional employee of the agency who was familiar with the subject area of the request to locate the record with a reasonable amount of effort, and reasonably describes records if the agency is able to determine "precisely" what records are being requested.

The FOIA requires requesters to reasonably describe the information they seek so that professional employees familiar with the subject matter can locate responsive information with a reasonable amount of effort. Broad sweeping requests lacking specificity are insufficient; and, even where a request sufficiently describes the records sought, an agency is not required to comply with a request so broad that it would impose an unreasonable burden upon the agency. Courts have explained that the rationale for this rule is that FOIA was not intended to reduce government agencies to full-time investigators on behalf of requesters, or to allow requesters to conduct fishing expeditions through agency files. Courts have ruled that it is the requester's responsibility to frame requests with sufficient

In one such case, *Freedom Watch, Inc. v. Dep't of State*, No. 12-314, 2013 WL 692770 (D.D.C. Feb. 27, 2013), the court agreed that "the requests failed to identify the documents sought with any modicum of specificity and were thus fatally overbroad and burdensome." The court cited several examples of how broadly the requests were worded. For example, the court noted that one portion of the request sought "any and all communications."

As it stands, your request does not reasonably describe the records requested as discussed in the court case above. Your request is too broad and would impose an unreasonable burden upon the agency. Before search will begin, we ask that you give us a reasonable subjects and search terms. If we have not heard from you by close of business August 17, 2018, we will believe that you are no longer interested and close the request.

"If you are not satisfied with this action, you have the right to appeal to the appellate authority, the Director of Administration, Office of the Secretary of Defense, by writing directly to OSD/Joint Staff Freedom of Information, ATTN: Appeals Office, 1155 Defense Pentagon, Washington, D.C. 20301-1155. Your appeal must be postmarked within 60 calendar days of the date of this response. Alternatively, you may also submit your appeal electronically, within 60 calendar days of the date of this response, at the following link: <http://pal.whs.mil/pa1Main.aspx>. Your appeal should cite

case number 2018-25, and be clearly marked "Freedom of Information Act Appeal."

If you have any questions regarding your inquiry, please contact me by phone at + (49) 0711-729-4287, or email: africom.stuttgart.accc.li or st.foia-mba@mail.mil, and refer to case number 2018-132.

Regards,

Kirk Schmidt
FOIA Specialist
U.S. Africa Command

From: Emmanuel Freudenthal

08/04/2018

Subject: RE: Freedom of Information Act Request: Inquiry (U.S. Africa Command)

Email

Dear U.S Africa Command,

My first request is a simple keyword search of AFRICOM's emails: all/any internal emails that mention the word "Salak" since 1st July 2017. There's one keyword search that you need to run through AFRICOM employee emails. And then send me the emails resulting from that search. This is a very common type of FOIA request and I believe it's very clear what I am requesting.

Regarding, my second request: all documents created since 1st July 2017 that summarize the findings of the AFRICOM investigation into torture at the Salak base mentioned in this article: <https://www.stripes.com/news/middle-east/2.1198/africom-investigating-if-us-troops-knew-of-torture-at-cameroonian-base-1.480283>

The AFRICOM commander, Gen. Thomas Waldhauser, ordered an inquiry in 2017 into Cameroon torture allegations. I am assuming that there are specific staff members of AFRICOM tasked with this inquiry and that these staff members have to report back to the AFRICOM commander. I would like their latest report to the AFRICOM commander regarding this inquiry.

Thanks in advance. Best regards,
Emmanuel

From: 08/06/2018

Subject: U.S. Africa Command FOIA Request 2018-132 Email

Good Morning,

The first part of your request is clear, but it is so broad that it would impose an unreasonable burden upon the agency.
If you limited the scope of your request to specific people in this command, as opposed to everyone in U.S. Africa Command, then it would not be considered overly burdensome.

The second part of your request is already being processed for another requester but it is still not ready for release.

When it is ready it will be made available on the U.S. Africa Command FOIA Reading Room. However, the reading is not yet online.

Kirk

From: Emmanuel Freudenthal 08/08/2018

Subject: RE: Freedom of Information Act Request #2018-132 Email

Dear Mr Schmidt,

Thanks for your message.

Regarding the emails, I don't know who was tasked with the inquiry or involved in this matter so it's hard to narrow down. Nevertheless, I don't want this request to drag on unnecessarily so please narrow it to emails in the mailbox (i.e. to/from/cc/bcc) of Gen. Thomas D. Waldhauser for the keywords "Salak" OR "Cameroon" (that is if one of those keywords show up).

Would that be sufficiently specific?

Regarding the second part of the request, when do you think this will be ready?
And could you send me the link to the AFRICOM FOIA reading room as I want to make sure I'm looking at the correct website?

Thanks in advance. Best regards,
Emmanuel

From: 08/09/2018

Subject: RE: Freedom of Information Act Request #2018-132 Email

Good Morning,

Thank you for narrowing the scope of your request to Gen Waldhauser's emails with the keywords "Salak" OR "Cameroon" from 1 JUL 17 to present and the Salak investigation.

I do not have an estimate for when the investigation will be ready for release.

Kirk Schmidt
FOIA Specialist
U.S. Africa Command

From: Emmanuel Freudenthal

08/09/2018

Subject: RE: Freedom of Information Act Request #2018-132

Email

Dear Mr Schmidt,

Thanks for that. Looking froward to receiving the first part of the FOIA.

Regarding the second part, I'd like to clarify that I would like the latest report to the AFRICOM commander regarding this inquiry. I do not need the final report of the investigation (which might not be ready as you point out), I would just like to have whatever the latest report, summary or update was made to Gen Waldhauser. Is this the same request as the other one you're processing? Could you send me that document?

Best,
Emmanuel

From: Muckrock Staff

09/10/2018

Subject: RE: Freedom of Information Act Request #2018-132

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on Aug. 2, 2018. Please let me know when I can expect to receive a response, or if further clarification is needed. You had assigned it reference number #2018-132.

Thanks for your help, and let me know if further clarification is needed.

From:

09/10/2018

Subject: Freedom of Information Act Request 2018-132

Email

Good Afternoon,
I will check on the status of the email part of your request.
As for the report part of your request, it is still not ready for release.
I will keep you posted.
Thanks,
Kirk

From: Emmanuel Freudenthal

09/10/2018

Subject: RE: Freedom of Information Act Request #2018-132

Email

Good afternoon,

Thanks. I look forward to your reply.

I think we're now over the statutory timeframe so the sooner the better.

Best,
Emmanuel

From: Muckrock Staff

10/10/2018

Subject: RE: Freedom of Information Act Request #2018-132

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on Aug. 2, 2018. Please let me know when I can expect to receive a response. You had assigned it reference number #2018-132.

Thanks for your help, and let me know if further clarification is needed.

From: 11/01/2018

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request #2018-132 Email

Good Morning,
I apologize for not getting back to you sooner.
We are making progress.
I think we will be releasing the investigation mid December.
Thanks,
Kirk

From: Emmanuel Freudenthal 11/01/2018

Subject: RE: Freedom of Information Act Request #2018-132 Email

Dear Kirk,

Thanks for the update.

What about part 1 of the request?

That's Gen Waldhauser's emails with the keywords "Salak" OR "Cameroon" from 1 JUL 17 to present.

Best,
Emmanuel

From: Muckrock Staff 12/03/2018

Subject: RE: Freedom of Information Act Request #2018-132 Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on Aug. 2, 2018. Please let me know when I can expect to receive a response. You had assigned it reference number #2018-132.

Thanks for your help, and let me know if further clarification is needed.

From: Emmanuel Freudenthal 12/06/2018

Subject: RE: Freedom of Information Act Request #2018-132 Email

Dear Kirk,

Could you update me on the status of this request?

I have asked Gen Waldhauser's emails with the keywords "Salak" OR "Cameroon" from 1 JUL 17 to present.

Thanks in advance. Best regards,
Emmanuel

From: 12/06/2018

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request #2018-132

Email

Good Morning,
We now have the responsive emails.
However, we still need to review them and possibly remove any exempt information and/or PII.
Thank you for your patience.
Kirk Schmidt
FOIA Specialist
U.S. Africa Command

From: Emmanuel Freudenthal

12/06/2018

Subject: RE: Freedom of Information Act Request #2018-132

Email

Dear Kirk Schmidt,

Thanks for the update. Looking forward to receiving the documents.

Best,
Emmanuel

From: Muckrock Staff

01/07/2019

Subject: RE: Freedom of Information Act Request #2018-132

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on Aug. 2, 2018. Please let me know when I can expect to receive a response. You had assigned it reference number #2018-132.

Thanks for your help, and let me know if further clarification is needed.

From: Muckrock Staff

02/06/2019

Subject: RE: Freedom of Information Act Request #2018-132

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on Aug. 2, 2018. Please let me know when I can expect to receive a response. You had assigned it reference number #2018-132.

Thanks for your help, and let me know if further clarification is needed.

From:

02/06/2019

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request #2018-132

Email

Good morning,

I was actually talking with the office(s) that are working on this request earlier this morning; they have located and completed their initial review of material that they feel is responsive to your request. We, the FOIA Office, are currently looking through this potentially responsive material to see if any other offices or agencies need to review it prior to public release. I hope to have this process completed by the end of the week and then tasked out accordingly. I'm unsure of an estimated completion date at

Please let me know if you have any questions or need any additional information.

Thank you,
Megan

Megan Farrell
FOIA Specialist
U.S. Africa Command

From: Emmanuel Freudenthal

02/06/2019

Subject: RE: Freedom of Information Act Request #2018-132

Email

Dear Ms Farrell,

Thanks for the update. I'm looking forward to the reply.

Best,
Emmanuel

From: Emmanuel Freudenthal

02/11/2019

Subject: RE: Freedom of Information Act Request #2018-132

Email

Dear Ms Farrell,

I hope this finds you well. Would you have an estimated completion date now that you've done the review?

Thanks,
Emmanuel

From:

02/11/2019

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request #2018-132

Email

Good afternoon Emmanuel,

Unfortunately, I do not have an estimated completion date at this time. I tasked the potentially responsive information out for additional review last week to an outside agency. I have not yet heard back from them regarding their estimated completion date. I will let you know as soon as I hear from them.

Thank you,
Megan

From: Emmanuel Freudenthal

02/11/2019

Subject: RE: Freedom of Information Act Request #2018-132

Email

Thanks a lot Megan.

Best,
Emmanuel

From: Muckrock Staff

03/13/2019

Subject: RE: Freedom of Information Act Request #2018-132

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on Aug. 2, 2018. Please let me know when I can expect to receive a response. You had assigned it reference number #2018-132.

Thanks for your help, and let me know if further clarification is needed.

From:

03/13/2019

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request #2018-132

Email

Good morning Emmanuel,

I have reached out to the office(s) I tasked for review for an update, but I have not heard back yet. I hope to have information to provide to you soon.

Thank you,
Megan

From: Emmanuel Freudenthal

03/13/2019

Subject: RE: Freedom of Information Act Request #2018-132

Email

Dear Megan,

Thanks for the update. I hope to hear from you soon.

Best,
Emmanuel

From: Muckrock Staff

04/15/2019

Subject: RE: Freedom of Information Act Request #2018-132

Email

To Whom It May Concern:

I wanted to follow up on the following Freedom of Information Act request, copied below, and originally submitted on Aug. 2, 2018. Please let me know when I can expect to receive a response. You had assigned it reference number #2018-132.

Thanks for your help, and let me know if further clarification is needed.

From: U.S. Africa Command

04/18/2019

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request #2018-132

Email

Good morning Emmanuel,

I still have not heard back yet, but I followed up again this morning.

Thank you,
Megan

From: U.S. Africa Command

04/18/2019

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request #2018-132

Email

Hi Emmanuel,

I heard back from the office reviewing the material, they are hoping to have a response to me within two weeks. Based on their review, I was expect to have our final response to you within about three weeks after that. Please note that this additional time is required for our Legal Office to review the material prior to release, which is standard, and for the signature authority to sign off on the finalized response.

Please let me know if you have any questions or need any additional information at this time.

Thank you,
Megan

From: Emmanuel Freudenthal

04/18/2019

Subject: RE: Freedom of Information Act Request #2018-132

Email

Hi Megan

Thanks for the update.

Looking forward to receiving the document in 5 weeks. It's been over a year, we're well beyond the statutory timeframe.

Best,
Emmanuel

From: Muckrock Staff

05/20/2019

Subject: RE: Freedom of Information Act Request #2018-132

Email

To Whom It May Concern:

I'm following up on the following Freedom of Information Act request, copied below, and originally submitted on Aug. 2, 2018. You previously indicated that it would be completed on May 24, 2019. I wanted to let you know that I am still interested in the following documents, and to see if that date was still accurate. You had assigned it reference number #2018-132.

Thanks for your help, and let me know if further clarification is needed.

From: U.S. Africa Command

05/20/2019

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request #2018-132

Email

Good morning Emmanuel,

I just reached out again for update. I'll let you know as soon as I hear something back.

Thank you,
Megan

From: Emmanuel Freudenthal

05/21/2019

Dear Megan,

Thanks for the update. I really hope the documents can be shared asap.

On April 18th you said it'd be within 2 weeks. I know you're not responsible for the delay, but it looks bad that AFRICOM avoids providing a reply for so long.

Best,
Emmanuel

From: Muckrock Staff

05/24/2019

Subject: RE: Freedom of Information Act Request #2018-132

Email

To Whom It May Concern:

I'm following up on the following Freedom of Information Act request, copied below, and originally submitted on Aug. 2, 2018. You had previously indicated that it would be completed on May 24, 2019. I wanted to check on the status of my request, and to see if there was a new estimated completion date. You had assigned it reference number #2018-132.

Thanks for your help, and let me know if further clarification is needed.

From: U.S. Africa Command

05/24/2019

Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request #2018-132

Email

Good morning Emmanuel,

I still have not received an update from the outside agency(ies) I've been consulting with on this request. As soon as I hear something back I'll let you know.

Have a great weekend,
Megan

From: Emmanuel Freudenthal

05/24/2019

Subject: RE: Freedom of Information Act Request #2018-132

Email

Dear Megan,

Thanks for the update.

Best,
Emmanuel

From: Muckrock Staff

06/26/2019

Subject: RE: Freedom of Information Act Request #2018-132

Mail

To Whom It May Concern:

I'm following up on the following Freedom of Information Act request, copied below, and originally submitted on Aug. 2, 2018. You had previously indicated that it would be completed on May 24, 2019. I wanted to check on the status of my request, and to see if there was a new estimated completion date. You had assigned it reference number #2018-132.

Thanks for your help, and let me know if further clarification is needed.

From: Beryl Lipton

01/13/2020

Subject: RE: Freedom of Information Act Request #2018-132

Mail

To Whom It May Concern:

This is an appeal under the Freedom of Information Act.

On August 2, 2018, I submitted the attached request under the Freedom of Information Act.

By an email dated August 3, 2018, the agency acknowledged receipt of this request and assigned it Request No. 2018-132. As of this writing, the request has not been given a final determination nor have I been furnished an estimated completion date for this request.

Far more than twenty working days have elapsed without a substantive determination. I am appealing the constructive denial of my request. I ask for a determination requiring that the agency respond to my request, provide the documents, or outline reasons that they are exempt.

Thank you for your time and help with this issue.

Best,

Emmanuel Freudenthal

From: Emmanuel Freudenthal

02/28/2020

Subject: RE: Freedom of Information Act Request #2018-132

Mail

Dear US Africom,

Could you urgently update me on the status of this FOIA request and of the appeal?

Thanks in advance.

Best,
Emmanuel

From: Muckrock Staff

05/29/2020

Subject: RE: Freedom of Information Act Request #2018-132

Mail

To Whom It May Concern:

I'm following up on the following Freedom of Information Act request, copied below, and originally submitted on Aug. 2, 2018. You had previously indicated that it would be completed on May 24, 2019. I wanted to check on the status of my request, and to see if there was a new estimated completion date. You had assigned it reference number #2018-132.

Thanks for your help, and let me know if further clarification is needed.

From: Emmanuel Freudenthal

07/31/2020

Subject: RE: Freedom of Information Act Request #2018-132

Mail

Dear US Africom,

Could you urgently update me on the status of this FOIA request and of the appeal?

Thanks in advance.

Best,
Emmanuel

From: Muckrock Staff

10/21/2020

Subject: RE: Freedom of Information Act Request #2018-132

Mail

To Whom It May Concern:

I'm following up on the following Freedom of Information Act request, copied below, and originally submitted on Aug. 2, 2018. You had previously indicated that it would be completed on May 24, 2019. I wanted to check on the status of my request, and to see if there was a new estimated completion date. You had assigned it reference number #2018-132.

Thanks for your help, and let me know if further clarification is needed.

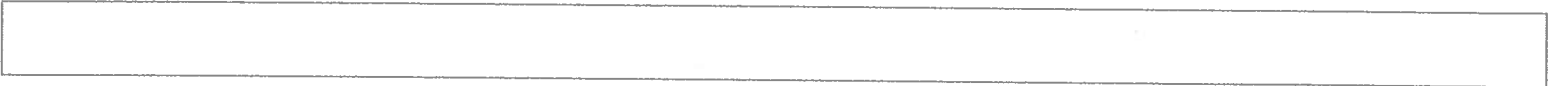


Exhibit C



MuckRock News
DEPT MR 58899
411A Highland Ave
Somerville, MA 02144-2516
58899-63181617@requests.muckrock.com

FOIA APPEAL

U.S. Africa Command
FOIA Liaison Officer
Unit 29951
APO AE, 09751

January 13, 2020

This is a follow up to request number 2018-132:

To Whom It May Concern: -----

This is an appeal under the Freedom of Information Act.

On August 2, 2018, I submitted the attached request under the Freedom of Information Act.

By an email dated August 3, 2018, the agency acknowledged receipt of this request and assigned it Request No. 2018-132. As of this writing, the request has not been given a final determination nor have I been furnished an estimated completion date for this request.

Far more than twenty working days have elapsed without a substantive determination. I am appealing the constructive denial of my request. I ask for a determination requiring that the agency respond to my request, provide the documents, or outline reasons that they are exempt.

Thank you for your time and help with this issue.

Best,

Emmanuel Freudenthal

Filed via MuckRock.com
E-mail (Preferred): 58899-63181617@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News
DEPT MR 58899
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

MuckRock News
DEPT MR 58899
411A Highland Ave
Somerville, MA 02144-2516
58899-63181617@requests.muckrock.com

On May 24, 2019:
Subject: RE: Freedom of Information Act Request #2018-132
Dear Megan,

Thanks for the update.

Best,
Emmanuel

On May 24, 2019:
Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request #2018-132
Good morning Emmanuel,

I still have not received an update from the outside agency(ies) I've been consulting with on this request. As soon as I hear something back I'll let you know.

Have a great weekend,
Megan

On May 21, 2019:
Subject: RE: Freedom of Information Act Request #2018-132
Dear Megan,

Thanks for the update. I really hope the documents can be shared asap.

On April 18th you said it'd be within 2 weeks. I know you're not responsible for the delay, but it looks bad that AFRICOM avoids providing a reply for so long.

Best,
Emmanuel

On May 20, 2019:
Subject: RE: [Non-DoD Source] RE: Freedom of Information Act Request #2018-132
Good morning Emmanuel,

I just reached out again for update. I'll let you know as soon as I hear something back.

Thank you,

MuckRock News
DEPT MR 58899
411A Highland Ave
Somerville, MA 02144-2516
58899-63181617@requests.muckrock.com

Megan

On April 18, 2019:
Subject: RE: Freedom of Information Act Request #2018-132
Hi Megan

Thanks for the update.

Looking forward to receiving the document in 5 weeks. It's been over a year, we're well beyond the statutory timeframe.

Best,
Emmanuel

On Aug. 2, 2018:
Subject: Freedom of Information Act Request: Inquiry (U.S. Africa Command)
To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

- all/any internal emails that mention the word "Salak" since 1st July 2017.
- all documents created since 1st July 2017 that summarise the findings of the AFRICOM investigation into torture at the Salak base (mentioned in this article:
<https://www.stripes.com/news/middle-east/2.1198/africom-investigating-if-us-troops-knew-of-torture-at-cameronian-base-1.480283>)

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Emmanuel Freudenthal

Filed via MuckRock.com
E-mail (Preferred): 58899-63181617@requests.muckrock.com

MuckRock News
DEPT MR 58899
411A Highland Ave
Somerville, MA 02144-2516
58899-63181617@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News
DEPT MR 58899
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

Exhibit D



Emmanuel Freudenthal <emmanuel234@gmail.com>

AFRICOM report on Salak

4 messages

Emmanuel Freudenthal <emmanuel.freudenthal@gmail.com>

4 August 2020 at 10:03

To: africom-pao-media@mail.mil

Hi there,

I'm a freelance journalist (see my publications for BBC, Le Monde etc here www.emmanuel-freudenthal.com).

I would like to know when the report commissioned in 2017 by AFRICOM into torture in Salak (Cameroon) has been finalised. If it's not finished yet, then when will be it?

See e.g. here for context: <https://www.stripes.com/africom-investigating-if-us-troops-knew-of-torture-at-cameroonian-base-1.480283>

Thanks in advance.

Best,
Emmanuel

--

Twitter: @EmmanFre
Whatsapp/Signal: +254 790 594 022
Web: www.emmanuel-freudenthal.com

Cahalan, Kelly M CIV AFRICOM ACCS (USA) <kelly.m.cahalan.civ@mail.mil>

4 August 2020 at 10:09

To: Emmanuel Freudenthal <emmanuel.freudenthal@gmail.com>

Cc: AFRICOM Stuttgart ACCS List Media Relations Branch <africom.stuttgart.accs.list.media-relations-branch@mail.mil>

Good Afternoon,
I will do some research here and get back to you.

Kelly Cahalan
Media Operation Branch Chief
Office: +49 (0) 711 591 0367
DSN: 324-591-0367
Cell: +49 (0) 072 562 4400

-----Original Message-----

From: Emmanuel Freudenthal <emmanuel.freudenthal@gmail.com>
Sent: Tuesday, August 4, 2020 12:04 PM
To: AFRICOM Stuttgart ACCS List Media Relations Branch <africom.stuttgart.accs.list.media-relations-branch@mail.mil>
Subject: [Non-DoD Source] AFRICOM report on Salak

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Hi there,

I'm a freelance journalist (see my publications for BBC, Le Monde etc here www.emmanuel-freudenthal.com < Caution-<http://www.emmanuel-freudenthal.com> >).

I would like to know when the report commissioned in 2017 by AFRICOM into torture in Salak (Cameroon) has been finalised. If it's not finished yet, then when will be it?

See e.g. here for context:

Caution-<https://www.stripes.com/a/fricom-investigating-if-us-troops-knew-of-torture-at-cameroonian-base-1.480283>

<

Caution-<https://www.stripes.com/a/fricom-investigating-if-us-troops-knew-of-torture-at-cameroonian-base-1.480283>

>

Thanks in advance.

Best,

Emmanuel

--

Twitter: @EmmanFre < Caution-<https://twitter.com/EmmanFre> >

Whatsapp/Signal: +254 790 594 022

Web: Caution-www.emmanuel-freudenthal.com <

Caution-<http://www.emmanuel-freudenthal.com> >

Emmanuel Freudenthal <emmanuel.freudenthal@gmail.com>

11 August 2020 at 10:50

To: "Cahalan, Kelly M CIV AFRICOM ACCS (USA)" <kelly.m.cahalan.civ@mail.mil>

Cc: AFRICOM Stuttgart ACCS List Media Relations Branch <africom.stuttgart.accs.list.media-relations-branch@mail.mil>

Good morning Kelly,

I hope this email finds you well.

Any luck with your research?

Thanks,
Emmanuel

--

Twitter: @EmmanFre

Whatsapp/Signal: +254 790 594 022

Web: www.emmanuel-freudenthal.com

[Quoted text hidden]

Cahalan, Kelly M CIV AFRICOM ACCS (USA) <kelly.m.cahalan.civ@mail.mil>

11 August 2020 at 10:53

To: Emmanuel Freudenthal <emmanuel.freudenthal@gmail.com>

Emmanuel,

I don't have anything for you yet. I'll get back to you as soon as I do.

Thank you,
Kelly

-----Original Message-----

From: Emmanuel Freudenthal <emmanuel.freudenthal@gmail.com>

Sent: Tuesday, August 11, 2020 12:51 PM

To: Cahalan, Kelly M CIV AFRICOM ACCS (USA) <kelly.m.cahalan.civ@mail.mil>

Cc: AFRICOM Stuttgart ACCS List Media Relations Branch <africom.stuttgart.accs.list.media-relations-branch@mail.mil>

Subject: Re: [Non-DoD Source] AFRICOM report on Salak

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Good morning Kelly,

I hope this email finds you well.

Any luck with your research?

Thanks,
Emmanuel

--

Twitter: @EmmanFre < Caution-https://twitter.com/EmmanFre >
Whatsapp/Signal: +254 790 594 022
Web: Caution-www.emmanuel-freudenthal.com < Caution-http://www.emmanuel-freudenthal.com >

On Tue, 4 Aug 2020 at 14:09, Cahalan, Kelly M CIV AFRICOM ACCS (USA) <kelly.m.cahalan.civ@mail.mil < Caution-mailto:kelly.m.cahalan.civ@mail.mil > > wrote:

Good Afternoon,
I will do some research here and get back to you.

Kelly Cahalan
Media Operation Branch Chief
Office: +49 (0) 711 591 0367
DSN: 324-591-0367
Cell: +49 (0) 072 562 4400

-----Original Message-----

From: Emmanuel Freudenthal <emmanuel.freudenthal@gmail.com < Caution-mailto:emmanuel.freudenthal@gmail.com > >
Sent: Tuesday, August 4, 2020 12:04 PM
To: AFRICOM Stuttgart ACCS List Media Relations Branch
<africom.stuttgart.accs.list.media-relations-branch@mail.mil < Caution-mailto:africom.stuttgart.accs.list.media-relations-branch@mail.mil > >
Subject: [Non-DoD Source] AFRICOM report on Salak

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>

Thanks in advance.

Best,

Emmanuel

--

Case 1:22-cv-01811 Document 1-2 Filed 08/24/22 Page 50 of 52
Twitter: @EmmanFre < Caution-Caution-https://twitter.com/EmmanFre > Caution-https://twitter.com/EmmanFre > >
Whatsapp/Signal: +254 790 594 022

Web: Caution-Caution-www.emmanuel-freudenthal.com < Caution-http://Caution-Caution-www.emmanuel-freudenthal.com >

<
Caution-Caution-http://www.emmanuel-freudenthal.com < Caution-http://www.emmanuel-freudenthal.com > >

Exhibit E



Emmanuel Freudenthal <emmanuel234@gmail.com>

AFRICOM FOIA update 2018-132

Emmanuel Freudenthal <emmanuel.freudenthal@gmail.com>
To: OSD.FOIALiaison@mail.mil

6 August 2020 at 17:48

Dear Ms Walker,

I would like to get an update regarding my FOIA request filed on August 2, 2018 with case number 2018-132.

Your colleagues at AFRICOM are not responding to me, even after I appealed the constructive denial of my request.

Please find the whole correspondence attached. I have filed the request via Muckrock.

Best,
Emmanuel

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Twitter: @EmmanFre
Whatsapp/Signal: +254 790 594 022
Web: www.emmanuel-freudenthal.com

 **Inquiry (U.S. Africa Command) • MuckRock.pdf**
295K