

FACSIMILE TRANSMISSION

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Spirer and Goldberg, P.C.
7101 Wisconsin Avenue
Suite 1201
Bethesda, MD 20814

Telephone: (301) 654-3300
Fax: (301) 654-1109
If any transmission problems: (301) 654-3300

DATE: February 3, 2005

TO: Robert R. Vieth, Esq.
Cooley Godward LLP

FROM: Frank Riley, Paralegal
to Julian H. Spirer

FAX. NO.: (703) 456-8100

Number of pages (including cover sheet): 4

COMMENTS/MESSAGE:

As you requested, attached is a copy of the report that we expect will be filed with the Court later this afternoon. A copy of the report, including the complete attachment, will be mailed to you today as well.

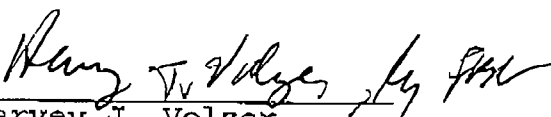
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On or about January 21, 2005, defendant submitted to the State Department's Legal Advisor, directly and through counsel, his own petition that the Department undertake the filing with this Court of such a suggestion of immunity or interest. A copy of defendant's submission to the Legal Advisor, with all exhibits, is attached hereto and incorporated herein.

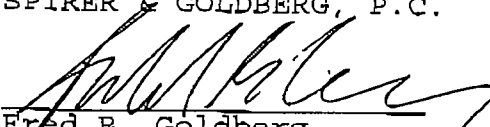
On February 2, 2005, counsel to defendant spoke with the attorney advisor in the State Department with responsibility for managing the State Department's response to defendant's petition in order to ascertain the likely timetable within the Department for a response. The attorney advisor noted that this matter was a priority one but hesitated to give a date citing the complexities of the legal and political issues raised and potential delays arising out of the personnel changes currently taking place in the Department. He indicated that a response would be provided expeditiously but it was not likely to occur within the thirty days established by the Court.

Respectfully submitted,

SHAUGHNESSY, VOLZER & GAGNER


Harvey J. Volzer
VSB No. 24445
1101 15th Street, NW
Suite 202
Washington, DC 20005
(202) 828-0900

SPIRER & GOLDBERG, P.C.

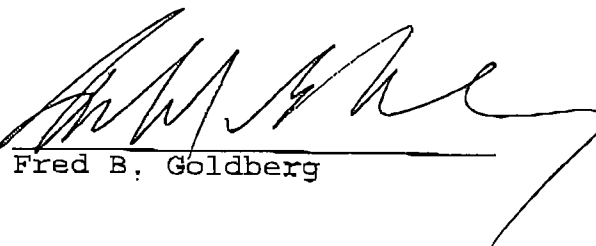

Fred B. Goldberg
Julian H. Spierer
7101 Wisconsin Avenue
Suite 1201
Bethesda, MD 20814
(301) 654-3300
Attorneys for Defendant

CERTIFICATE OF SERVICE

I, Fred B. Goldberg, hereby certify that on this 2nd day of Feb., 2005, I caused to be served a true and correct copy of the foregoing Defendant's Report to the Court Regarding Position of the Department of State by first-class U.S. Mail, postage pre-paid, as indicated below on the following:

Robert R. Vieth, Esq.
Scott A. Johnson, Esq.
Tara M. Lee
Cooley Godward LLP
Reston Town Center, One Freedom Square
11951 Freedom Drive
Reston, VA 20190-5656

Matthew Eisenbrandt
Helene Silverberg
Center for Justice & Accountability
870 Market Street, Suite 684
San Francisco, CA 94102


Fred B. Goldberg