



April 19, 2024

Via Web Portal Only

U.S. Department of State
Office of Information Programs and Services
A/GIS/IPS/RL
2201 C Street N.W., Suite B266
Washington, D.C. 20520-0000
Facsimile: (202) 485-1669

RE: FOIA Request Regarding the Qatar Six Billion Dollars and the U.S. Department of State enforcement of Sanctions

To Whom It May Concern:

This letter is a request (“Request”) in accordance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the corresponding department/agency implementing regulations.

The Request is made by the American Center for Law and Justice (“ACLJ”)¹ on behalf of its members.

To summarize, this Request seeks records pertaining to the U.S. Department of State’s knowledge and efforts surrounding the Qatar six billion dollars and the United States enforcement of sanctions against Iran.

Background

Pursuant to State Department FOIA regulation 22 C.F.R. § 171.4(b), this background addresses “the subject, timeframe, names of any individuals involved, a contract number (if applicable), and reasons why the requester believes the Department may have records on the subject of the request.” 22 C.F.R. § 171.4(b).

¹The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.

In September, 2023, Iran and the United States Government reached a prisoner swap agreement.² Part of the prisoner exchange involved the release of monies held by South Korea and denominated in South Korean won equivalent to six billion dollars (hereafter the Qatar six billion dollars or the six billion).³

As part of the agreement, the six billion was to be transferred from South Korea to a Qatar bank account.⁴ Per Biden administration officials, the terms were that:

The account will be controlled by the government of Qatar and regulated so Iran can gain access to the money only to pay vendors for humanitarian purchases such as medicine and food.⁵

Iranian actions had almost derailed the deal, specifically that:

Thursday's [August 10, 2023] prisoner exchange deal was nearly completed in March but stalled when Iran detained one of the unnamed U.S. dual citizens, according to two Iranians close to the government who were familiar with the agreement. The United States demanded that the prisoner also be included, but Iran initially refused, the two Iranians said.

People familiar with the negotiations between the United States and Iran, which were mediated by Oman, Qatar and Switzerland, said the final deal took shape in recent months and that all sides had been working on the logistics for weeks.⁶

Various Iranian officials have contradicted each other about whether the money is limited to humanitarian uses or can be used for anything the Iranian regime wants.⁷ Iran has been known to evade sanctions, for example, it has fraudulently claimed a transaction to be humanitarian or smuggled humanitarian goods abroad for profit.⁸

The prisoner exchange occurred on September 18, 2023, with five American hostages returning to the States, two Iranians returning to Iran, and three staying in the United States.⁹

But in October of 2023, the U.S. and Qatar froze Iranian access to the \$6 billion over concerns of

² Henry Rome, TWI, *The Iran Hostage Deal: Clarifying the \$6 Billion Transfer*, WASH. INST. FOR NEAR EAST POL'Y (Sept. 18, 2023), <https://www.washingtoninstitute.org/policy-analysis/iran-hostage-deal-clarifying-6-billion-transfer>.

³ *Id.*

⁴ Farnaz Fasihi & Michael D. Shear, Farnaz Fassihi, NY TIMES, *U.S. Reaches Deal With Iran to Free Americans for Jailed Iranians and Funds*, (Aug. 10, 2023). <https://www.nytimes.com/2023/08/10/us/politics/iran-us-prisoner-swap.html>.

⁵ *Id.*

⁶ *Id.*

⁷ Rome, *Supra* Note 2.

⁸ *Id.*

⁹ Andrew Mills et al., REUTERS, *US-bound Plane Leaves Doha with Five Americans Freed by Iran*, (Sept. 18, 2023), <https://www.reuters.com/world/south-korea-working-unfreeze-tehrans-funds-us-iran-detainee-deal-2023-09-18/>.

Iranian support for Hamas.¹⁰

As money is fungible—the Qatar six billion can free up a different six billion for Iran—it follows that the Iranian regime can use the funds for its other activities. For example:

Iran is driving the Middle East towards a wider war, provoking an escalating series of attacks from its proxies across the region. Iran-backed Hezbollah is firing anti-tank missiles and drones at Israel while threatening to invade Israel from Lebanon in the north; U.S. warships intercepted missiles fired from Iran-backed Houthis in Yemen; Katyusha rockets and drones are targeting U.S. airbases in Iraq; and Islamic Jihad continues to fire missiles and rockets into Israel from Gaza alongside Hamas, among other provocations. U.S. Secretary of State Antony Blinken acknowledged a “likelihood of escalation” of “Iran proxies escalating their attacks against our own U.S. personnel” in the region.¹¹

Iranian oil exports had risen from less than 2 million barrels per day in 2019 to 3.5 million in 2023, with an increase in revenues by forty billion.¹² It did so because:

The U.S. government’s lax approach to enforcement over the last few years is partially responsible for the rebound in Iranian oil production. In addition, the Iranians have found ways around sanctions, building their own “shadow fleet” of oil tankers facilitated by sanctions-evading Chinese purchasers.¹³

But U.S. enforcement has not been non-existent. This February, a Chinese man and an Omani man were charged for plotting to export Iranian oil to China and send the funds to a designated terrorist organization, the Islamic Revolutionary Guard Corps-Qods Force.¹⁴

This request seeks records pertaining to the Qatar \$6 billion and enforcement of the sanctions.

Records Requested

For purposes of this Request, the term “record” means “any information” that qualifies under 5 U.S.C. § 552(f), and includes, but is not limited to, the original or any full, complete and unedited copy of any log, chart, list, memorandum, note, correspondence, writing of any kind, policy, procedure, guideline, agenda, handout, report, transcript, set of minutes or notes, video, photo, audio recordings, or other material. The term “record” also includes, but is not limited to, all relevant information created, stored, received or delivered in any electronic or digital format, e.g.,

¹⁰ Mary Bruce *et al.*, ABC NEWS, *US, Qatar Agree to Prevent Iran from Tapping Previously Frozen \$6 Billion Fund*, (Oct. 12, 2023), <https://abcnews.go.com/Politics/us-halting-release-6-billion-iranian-oil-assets/story?id=103928072>.

¹¹ Jeffrey Sonnenfeld & Steven Tian, TIME, *Why Middle East Peace Requires Turning Off Iran’s Oil and Increasing Saudi’s*, (Oct. 23, 2023), <https://time.com/6327378/israel-iran-oil-sanctions/>.

¹² *Id.*

¹³ *Id.*

¹⁴ ICE Releases, *2 Charged for Violating of US Sanctions, Trafficking Iranian Oil to Fund Terrorists Following HSI Washington, D.C. Investigation*, (Feb. 15, 2024), <https://www.ice.gov/news/releases/2-charged-violating-us-sanctions-trafficking-iranian-oil-fund-terrorists-following>.

electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government *or private* account or server, consistent with the holdings of *Competitive Enter. Inst. v. Off. of Sci. & Tech. Pol’y*, 827 F.3d 145 (D.C. Cir. 2016) (rejecting agency argument that emails on private email account were not under agency control, and holding that “[i]f a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served.”).

For purposes of this Request, the term “briefing” includes, but is not limited to, any in-person meeting, teleconference, electronic communication, or other means of gathering or communicating by which information was conveyed to one or more people.

For purposes of this Request, the term “DOS official” includes, but is not limited to, any person who is (1) employed by or on behalf of the DOS, any Mission of the United States, or any Delegation of the United States, or any office or function of these agencies, in any capacity; (2) contracted for services by or on behalf of the DOS, any Mission of the United States, or any Delegation of the United States, or any office or function of these agencies, in any capacity; (3) appointed by the President of the United States to serve in any capacity at or within the DOS, any Mission of the United States, or any Delegation of the United States, or any office or function of these agencies; or (4) any such person’s staff, agent or employee; all without regard to the component, bureau, or office in which that person serves.

For purposes of this Request, all sources, documents, letters, reports, briefings, articles and press releases cited in this Request are incorporated by reference as if fully set forth herein.

For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is July 1, 2022, to the date this request is processed.

Pursuant to FOIA, 5 U.S.C. § 552 *et seq.*, ACLJ hereby requests that the DOS produce the following:

- 1. The records of the above referenced agreement outlining the prisoner swap and the Qatar \$6 billion, however titled.**
- 2. All records, communications or briefings created, generated, forwarded, transmitted, or sent by Deputy Assistant Secretary for Counter Threat Finance and Sanctions, Erik Woodhouse referencing (1) Hamas and Iran, or, (2) Houthis and Iran, or (3) Iran, China, and oil.**
- 3. All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by Ramin Toloui, Assistant Secretary, Bureau of Economic and Business Affairs concerning the Qatar six billion.**
- 4. All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by Abram Paley, Deputy Special Envoy for**

Iran about the Qatar \$6 billion.

- 5. All records of communication between Secretary of State Antony Blinken and Assistant Secretary Ramin Toloui or Special Envoy Abram Paley concerning Iran.**
- 6. All records in possession of Secretary of State Antony Blinken, Assistant Secretary Ramin Toloui or Special Envoy Abram Paley concerning Israel and the Qatar six billion.**

CONCLUSION

If this Request is denied in whole or in part, the ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index.

Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

Jordan Sekulow, Executive Director
Benjamin P. Sisney, Senior Litigation Counsel
John A. Monaghan, Senior Litigation Counsel
American Center for Law and Justice



I affirm that the foregoing request and attached documentation are true and correct to the best of my knowledge and belief.

Respectfully submitted,

A handwritten signature in blue ink that reads "Jordan Sekulow".

Jordan Sekulow
Executive Director

A handwritten signature in blue ink that reads "Benjamin P. Sisney".

Benjamin P. Sisney
Senior Litigation Counsel

A handwritten signature in blue ink that reads "John A. Monaghan".

John A Monaghan
Senior Litigation Counsel