

**From:** Shaffer, Emily C  
**Sent:** Wed, 13 Nov 2019 18:40:55 -0500  
**To:** Viglietta, Robert;Kraut, Benjamin;Rusin, Courtney M  
**Subject:** FW: Freeh, Dershowitz's Case for Delisting Dan Gertler  
**Attachments:** (b)(5)  
(b)(5)  
**Importance:** High

**Official - Sensitive**

This message is ~~CONFIDENTIAL//NOFORN~~ when separated from ~~SECRET~~ attachment(s)  
Classified By: Emily Shaffer - Sr DRC Deskoff, Office:AF/C, Agency:U.S. Department of State  
Declassify On: 11/13/2044  
Reasons: (Derived) Classification derived from previous message(s)

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**From:** Shaffer, Emily C  
**Sent:** Wednesday, November 13, 2019 6:38 PM  
**To:** Fitzsimmons, Elizabeth N; Hammer, Michael A  
**Cc:** Higgins, Melanie H; Ekpuk, Marion J; Bestic, Edward B; Croft, Ameliah L; Hilleary, Thomas C; Dunne, Kristina M2; Fagan, Scott R  
**Subject:** Freeh, Dershowitz's Case for Delisting Dan Gertler  
**Importance:** High

Greetings-

EB/TFS reached out today to invite me to attend a meeting just now with former FBI Director Louis Freeh, famed Harvard Law criminal defender Alan Dershowitz, and their colleagues Gary Apfel and Gregory Paw concerning their client Dan Gertler.

They are seeking support and guidance for their forthcoming petition to Treasury to delist Gertler from the Global Magnitsky Act sanction, as imposed in December 2017 for corruption and bribery, e.g., undervaluing mining concessions and then reselling for a huge profit, which supported Kabila's continued oppressive reign. (b)(5)

(b)(5)

Freeh, Dershowitz, and team's main arguments for delisting Gertler centered around the following:

--a former senior State/NSC official (I believe to be former AF A/S Jendayi Frazer based on the description) affirmed that **Gertler was very helpful in efforts to quell violence in Rwanda and the DRC during the "African World War" during the early 2000s**, which resulted in lives saved. Apparently she credibly volunteered that he was the personal authorized representative of the GDRC responsible for a peace accord between Kabila and Kagame. Dershowitz said Gertler never got anything in return for "helping America."

--He shares our democratic values and was a major factor in ***persuading Kabila to hold elections.***

--He is a ***very charitable person*** but needy people are now suffering because he can't continue to direct his money toward helping them. Freeh emphasized that Gertler is not like Furtash or others on the Glomag list, and Dershowitz attested that he was personally involved with the original Magnitsky case and supports the legislation, but is convinced people like Gertler were not the envisioned target.

--He is ***ready to wield his influence in support of US interests in the DRC*** and against Russia and China, namely promoting US trade and investment.

(b)(5)



(b)(5)



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Reasons: Derived Per DSCG.

Withheld pursuant to exemption

(b)(1); (b)(5)

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(b)(1); (b)(5)