



United States Department of State

Washington, D.C. 20520

June 26, 2023

Case No. FL-2021-00512

[REDACTED]
Citizens for Responsibility & Ethics in Washington
[REDACTED]
[REDACTED]
[REDACTED]

As we noted in our letter dated May 23, 2023, we are processing your request for material under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The Department of State ("Department") has identified an additional two responsive records subject to the FOIA. We have determined both records may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made redactions, the applicable FOIA exemptions are marked on each record. Where applicable, the Department has considered the foreseeable harm standard when reviewing these records and applying FOIA exemptions. All non-exempt material that is reasonably segregable from the exempt material has been released and is enclosed.

We will keep you informed as your case progresses. If you have any questions, your attorney may contact Derek Hammond, Assistant U.S. Attorney, at derek.hammond@usdoj.gov or (202) 252-2511. Please refer to the case number, FL-2021-00512, and the civil action number, 21-cv-01246, in all correspondence about this case.

Sincerely,

A handwritten signature in black ink, appearing to read 'Diamonece Hickson', with a stylized, flowing script.

Diamonece Hickson
Chief, Litigation and Appeals Branch
Office of Information Programs and Services

Enclosures: As stated.

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

- (b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:
- 1.4(a) Military plans, systems, or operations
 - 1.4(b) Foreign government information
 - 1.4(c) Intelligence activities, sources or methods, or cryptology
 - 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
 - 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
 - 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
 - 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
 - 1.4(h) Weapons of mass destruction
- (b)(2) Related solely to the internal personnel rules and practices of an agency
- (b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:
- | | |
|----------------|---|
| ARMSEXP | Arms Export Control Act, 50a USC 2411(c) |
| CIA PERS/ORG | Central Intelligence Agency Act of 1949, 50 USC 403(g) |
| EXPORT CONTROL | Export Administration Act of 1979, 50 USC App. Sec. 2411(c) |
| FS ACT | Foreign Service Act of 1980, 22 USC 4004 |
| INA | Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f) |
| IRAN | Iran Claims Settlement Act, Public Law 99-99, Sec. 505 |
- (b)(4) Trade secrets and confidential commercial or financial information
- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product
- (b)(6) Personal privacy information
- (b)(7) Law enforcement information whose disclosure would:
- (A) interfere with enforcement proceedings
 - (B) deprive a person of a fair trial
 - (C) constitute an unwarranted invasion of personal privacy
 - (D) disclose confidential sources
 - (E) disclose investigation techniques
 - (F) endanger life or physical safety of an individual
- (b)(8) Prepared by or for a government agency regulating or supervising financial institutions
- (b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

- NR Material not responsive to a FOIA request excised with the agreement of the requester

From:	(b)(6)
To:	(b)(6)
Subject:	RE: (b)(5) related to Specific License GLOMAG-2021-371648-1
Date:	2021/02/08 20:28:29
Type:	Note

Okay, I'm here.

From: (b)(6)
Sent: Monday, February 8, 2021 3:24 PM
To: (b)(6)
Subject: Re: (b)(5) related to Specific License GLOMAG-2021-371648-1

**** Caution:** External email. Pay attention to suspicious links and attachments. Send suspicious email to suspect@treasury.gov **

Hi (b)(6) sounds great. I'll give you a a call in a few moments.

Best

(b)(6)

Economic Sanctions Policy and Implementation
m (b)(6) +5 hrs ahead of Washington, D.C.

From: (b)(6) (b)(6)
Sent: Monday, February 8, 2021 6:02 PM
To: (b)(6)
Subject: RE: (b)(5) related to Specific License GLOMAG-2021-371648-1

Hi (b)(6)

Good afternoon. How about 3:30 or 4:00 Washington time?

Thanks,

(b)(6)

From: (b)(6)
Sent: Monday, February 8, 2021 5:38 AM
To: Sens, (b)(6) (b)(6)
Subject: RE: (b)(5) related to Specific License GLOMAG-2021-371648-1

**** Caution:** External email. Pay attention to suspicious links and attachments. Send suspicious email to suspect@treasury.gov **

Hi (b)(6)

Apologies I missed your call Friday! Would there be a convenient time to touch base today?

Best

(b)(6)

--

(b)(6)

Economic Sanctions Policy and Implementation
m: (b)(6) | +5 hrs ahead of Washington, D.C.

~~SENSITIVE BUT UNCLASSIFIED~~

From: (b)(6) (b)(6)
Sent: Friday, February 5, 2021 9:36 PM
To: (b)(6)
Subject: RE: (b)(5) related to Specific License GLOMAG-2021-371648-1

Hi (b)(6)

Can you call me at (b)(6)

Thanks,

From: (b)(6)
Sent: Friday, February 5, 2021 3:47 PM
To: (b)(6)
Subject: Re: (b)(5) related to Specific License GLOMAG-2021-371648-1

**** Caution:** External email. Pay attention to suspicious links and attachments. Send suspicious email to suspect@treasury.gov **

(b)(6) thanks so much (b)(5)

(b)(5)

Best

(b)(6)

--

(b)(6)

Economic Sanctions Policy and Implementation

m: (b)(6) +5 hrs ahead of Washington, D.C.

From: (b)(6)

Sent: Friday, February 5, 2021 8:22 PM

To: (b)(6); non-TSRA <non-TSRA@state.gov>

Cc: (b)(6); (b)(6)

Alan.Christian (b)(6)

(b)(6); Nikole.Thomas (b)(6)

(b)(6)

(b)(6)

Subject: RE: (b)(5) related to Specific License GLOMAG-2021-371648-1

+(b)(6) and (b)(6)

From: (b)(6)

Sent: Friday, February 5, 2021 3:10 PM

To: (b)(6); non-TSRA@state.gov

Cc: (b)(6); Christian, Alan

(b)(6); Thomas, Nikole

(b)(6)

Subject: RE: (b)(5) related to Specific License GLOMAG-2021-371648-1

Dear State colleagues,

On January 15, 2021, following consultation with the State Department, OFAC issued a specific license and accompanying transmittal letter to Dan Gertler (attached) in response to Mr. Gertler's December 2020 request for reconsideration of his inclusion on the List of Specially Designated Nationals and Blocked Persons. Mr. Gertler was included as an Annex name in Executive Order 13818 of December 20, 2017, "Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption" ("E.O. 13818"). Pursuant to E.O. 13818, OFAC concurrently designated several individuals and entities associated with Mr. Gertler, including his associate Pieter Albert Deboutte. On June 15, 2018, OFAC also designated fourteen additional derivative entities associated with Mr. Gertler under E.O. 13818.

As explained in the OFAC press release accompanying E.O. 13818, Mr. Gertler is an international businessman and billionaire who has amassed his fortune through hundreds of millions of dollars' worth of opaque and corrupt mining and oil deals in the Democratic Republic of the Congo (DRC). Mr. Gertler has used his close friendship with DRC President Joseph Kabila to act as a middleman for mining asset sales in the DRC, requiring some multinational companies to go through Mr. Gertler to do business with the Congolese state. As a result, between 2010 and 2012 alone, the DRC reportedly lost over \$1.36 billion in revenues from the underpricing of mining assets that were sold to offshore companies linked to Mr. Gertler. The failure of the DRC to publish the full details of one of the sales prompted the International Monetary Fund to halt loans to the DRC totaling \$225 million. In 2013, Mr. Gertler sold to the DRC government for \$150 million the rights to an oil block that Mr. Gertler purchased from the government for just \$500,000, a loss of \$149.5 million in potential revenue. Mr. Gertler has acted for or on behalf of President Kabila, helping President Kabila organize offshore leasing companies.

The specific license that OFAC issued on January 15, 2021 authorizes U.S. persons to conduct all transactions and activities with Mr. Gertler, Mr. Deboutte, and any companies owned by Mr. Gertler or Mr. Deboutte that would otherwise be prohibited by E.O. 13818, as implemented by the Global Magnitsky Sanctions Regulations (31 C.F.R. Part 583). Additionally, the license, which is valid for one year, authorizes the unblocking of all property and interests in property of Mr. Gertler, Mr. Deboutte, and their companies, as well as the establishment of U.S. bank accounts for use in connection with any authorized transactions and activities. (b)(5)

(b)(5)

(b)(5)

OFAC requests the State

Department's foreign policy guidance on (b)(5)

(b)(5)

OFAC would appreciate State's response by Friday, February 19th. If you are unable to provide a response by February 19th, please notify (b)(6) Licensing Officer, and (b)(6)

(b)(6) Program Manager. Additionally, please contact (b)(6) and (b)(6) with any questions.

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

Sender:	(b)(6)
Recipient:	(b)(6)
Sent Date:	2021/02/08 20:27:43
Delivered Date:	2021/02/08 20:28:29

From: (b)(6)
SentVia:
To:
Subject: Re: (b)(5) related to Specific License GLOMAG-2021-371648-1
Date: 2021/02/05 20:35:35
Type: Note

(b)(5); (b)(6)

From: (b)(6)
Sent: Friday, February 5, 2021 15:23
To: (b)(6)
Subject: Fw: (b)(5) related to Specific License GLOMAG-2021-371648-1

(b)(5)

Best

(b)(6)

Economic Sanctions Policy and Implementation

m: (b)(6) +5 hrs ahead of Washington, D.C.

From: (b)(6)
Sent: Friday, February 5, 2021 8:10 PM
To: (b)(6) non-TSRA <non-TSRA@state.gov>
Cc: (b)(6)
 Alan.Christian (b)(6)
 (b)(6) Nikole.Thomas (b)(6)
Subject: RE: (b)(5) related to Specific License GLOMAG-2021-371648-1

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(b)(5)

(b)(5)

(b)(5) OFAC requests the State Department's foreign policy guidance on (b)(5)

(b)(5)

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Sender:	(b)(6)
Recipient:	
Sent Date:	2021/02/05 20:35:35