



August 29, 2024

Via FOIA Portal

Office of Information Programs and Services (A/GIS/IPS)
Room B-266
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Freedom of Information Act Request: Detention of Pavel Durov

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL has over 247,000 followers on X, and our Founder and President has over 654,000 followers on X.

I. Background

Telegram is one of the world's largest messaging platforms and has more than 950 million active users.¹ On August 24, 2024, Telegram's founder and CEO, Pavel Durov, was arrested at the Paris-Le Bourget Airport by authorities who claim he is complicit with illegal activity occurring on the platform.² Telegram is widely used by millions of political dissidents and freedom fighters worldwide to communicate without being

¹ Barbara Ortutay, *What is Telegram and Why Was Its CEO Arrested in Paris?* AP NEWS (Aug. 27, 2024), <https://perma.cc/XM93-EEX6>.

² *Id.*

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watched by Big Brother and is “a darling of digital rights groups ... which have backed the app in its fights with authoritarian regimes.”³

Given Telegram’s ubiquity, public interest in this matter is at a fever pitch. The Financial Times characterized the arrest as “the most drastic attempt yet to hold a platform chief accountable for content ... at a time of highly polarised debate over social media’s responsibility for free speech versus online safety.”⁴ Mr. Durov told Tucker Carlson earlier this year that every time he visits the United States he is approached by federal agents who “want[] to establish a relationship to ... control Telegram better.”⁵

On August 28, 2024, French authorities charged Mr. Durov with a host of crimes. He must post €5 million for bail and faces decades in prison if convicted.⁶

America First Legal has reason to believe that the United States Embassy in Paris had advance knowledge of—and may have played a role in coordinating—this arrest.⁷

America First Legal has grave concerns about the Biden-Harris Administration’s pattern of stifling of free speech.⁸ Your prompt production of these documents will show the American people, inter alia, whether domestic political considerations caused U.S. officials to influence the criminal justice apparatus of an important ally.

II. Requested Records

- Any communications or records containing the names “Pavel Durov” or “Paul du Rove”.
- Any communications or records containing the term “Telegram”.
- Any records or documents regarding the August 25, 2024, arrest of Pavel Durov at Bourget Airport.

The relevant time period is May 1, 2024, to the date that this request is processed.

III. Custodians

- Antony Blinken, United States Secretary of State
- James O’Brien, Assistant Secretary for European and Eurasian Affairs

³ Mohar Chatterjee et al., *The Bewildering Politics of Telegram*, POLITICO (Aug. 27, 2024), <https://perma.cc/WS4J-E5H8>.

⁴ Hannah Murphy & Adrienne Klasa, *How Telegram Chief Pavel Durov Miscalculated on Moderation*, FIN. TIMES (Aug. 27, 2024), <https://perma.cc/VN5G-W2JW>.

⁵ Tucker Carlson (@TuckerCarlson), X (Apr. 16, 2024, 6:00 PM), <https://perma.cc/C89J-YULZ>.

⁶ Barbara Surk & Angela Charlton, *Telegram CEO Durov Faces Preliminary Charges in France of Allowing a Crime on Messaging App*, AP NEWS (Aug. 29, 2024), <https://perma.cc/F64R-P88W>.

⁷ Mike Benz (@MikeBenzCyber), X (Aug. 26, 2024, 10:10 PM), <https://perma.cc/8PSU-KQ6D>.

⁸ See, e.g., *America First Legal Foundation v. Centers for Disease Control and Prevention*, No. 22-00978 (D.D.C. Apr. 11, 2022).

- Yuri Kim, Principal Deputy Assistant Secretary for European and Eurasian Affairs
- The Bureau of European and Eurasian Affairs
- Gentry Smith, Assistant Secretary for Diplomatic Security

IV. Fee Waiver Request

Per 5 U.S.C. § 552(4)(A)(iii), AFL requests a waiver of all search and duplication fees associated with this request. Furthermore, AFL has a demonstrated ability and intention to effectively convey the information broadly to the public. AFL’s status as a representative of the news media has been recognized by other agencies for granting fee waivers by the Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security. Finally, as a non-profit organization, AFL has no commercial interest, and the request is made entirely to serve the public interest. We are, of course, available to provide additional information in writing or offline in support of this request. If AFL’s request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

V. Request for Expedited Processing

AFL hereby requests expedited processing pursuant to 22 C.F.R. § 171.12(d)(1)(ii). Expedited processing is appropriate because AFL is a qualifying news media distributor, and there exists an urgency to inform the public concerning alleged Federal Government activity. Nearly 1 billion Telegram users deserve to know what role, if any, the United States government played in the arrest of Pavel Durov. Department of State regulations provide that “[t]he existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an ‘urgency to inform’ the public on the topic.” 22 C.F.R. § 171.12(d)(3). The press has published extensively on this event,⁹ and experts have alleged the U.S. government’s involvement.¹⁰

VI. Processing and Production

Processing should occur in strict compliance with the processing guidance in the Attorney General’s Memorandum on Freedom of Information Act Guidelines.¹¹ If you

⁹ *E.g.*, Matthew Dalton, *French Authorities Charge Telegram Founder Pavel Durov*, WALL ST. J. (Aug. 28, 2024), <https://perma.cc/L3XC-X99Y>; Sylvie Maligorn et al., *Telegram Founder Durov Charged and Banned from Leaving France*, JAPAN TIMES (Aug. 29, 2024), <https://perma.cc/7MTN-968N>; Gaspard Sebag, *Telegram CEO Charged in France For Crimes Committed on His App*, BLOOMBERG (Aug. 28, 2024), <https://perma.cc/DPQ4-SRZQ>.

¹⁰ *See, e.g.*, Tucker Carlson Network (@TCNetwork), X (Aug. 28, 2024, 7:02 PM), <https://perma.cc/A2P4-MZXU>.

¹¹ U.S. DEP’T OF JUST. (Mar. 15, 2022), <https://perma.cc/K3EL-AANM>.

have any questions about our request or believe further discussions regarding search and processing would facilitate more efficient production of records of interest to AFL, then please contact me at FOIA@aflegal.org.

Thank you in advance for your cooperation.

Sincerely,

/s/ Michael Ding

Michael Ding
America First Legal Foundation