



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

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By E-mail and FedEx

Mr. Ignacio E. Sanchez
Mr. William H. Minor
DLA Piper LLP
500 Eighth Street NW
Washington, DC 20004

Re: Obligation of AJ+ to Register under the Foreign Agents Registration Act

Dear Mr. Sanchez and Mr. Minor:

Based upon a review of your multiple letters and document productions, open source information, and AJ+'s programming, we have determined that AJ+ is obligated to register under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §611 *et seq.* ("FARA" or "the Act"). AJ+'s obligation arises because it has engaged and is still engaged in political activities within the United States and has acted and continues to act as a publicity agent within the United States, on behalf of the Government of Qatar and Al Jazeera Media Network ("AJMN"), each of which is considered a foreign principal under the Act.

I. Background

On June 4, 2018, the FARA Unit sent a letter to AJ+, a U.S.-based affiliate of AJMN, explaining why AJ+ may be obligated to register pursuant to FARA, and requesting additional information to aid the Unit's assessment. In a July 26, 2018 letter ("July 26 Letter"), AJ+, through counsel, responded to the Unit's letter and provided numerous documents. AJ+ subsequently supplemented its response on February 8, 2019 ("February 8 Letter"), May 17, 2019 ("May 17 Letter"), and September 23, 2019 ("September 23 Letter") providing additional documents and information.

II. Foreign Agents Registration Act

FARA requires agents of foreign principals engaged in specified activities to register with the Department of Justice and to provide disclosures. The purpose of FARA is to inform the American public of the activities of agents working for foreign principals in the United States with the purpose of influencing U.S. Government officials or the American public with reference to the domestic or foreign policies of the United States, or with reference to the political or public interests, policies, or relations of foreign governments or foreign political parties. *See* 22

U.S.C. §§ 611(c), 612.

As relevant here, the term “foreign principal” includes a “government of a foreign country” or a “partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.” 22 U.S.C. §611(b).

The specified activities of a foreign agent that require registration and disclosure are defined by the Act and its implementing regulations. An “agent of a foreign principal” is defined, in pertinent part, as “any person who acts as an agent . . . or . . . at the order, request, or under the direction or control” of a “foreign principal or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal” and “who directly or through any other person (i) engages within the United States in political activities for or in the interests of such foreign principal; [or] (ii) acts within the United States as a . . . publicity agent, [or] information-service employee . . . for or in the interests of such foreign principal.” 22 U.S.C. § 611(c)(1)(i)-(ii).

The term “political activities” means “any activity that the person engaging in believes will, or that the person intends to, in any way, influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party.” 22 U.S.C. § 611(o).

A foreign agent must also register if it acts within the United States as a publicity agent for a foreign principal. A “publicity agent” includes “any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or pictorial information or matter of any kind, including publication by means of . . . broadcasts, motion pictures, or otherwise.” 22 U.S.C. § 611(h).

As described below, AJ+ meets both of the above-listed definitions for being an “agent of a foreign principal” based on its activities for its foreign principals—the Government of Qatar and AJMN.

III. Relevant Entities

AJ+ is a digital news platform originally organized in San Francisco, and whose main offices and production facilities are currently located in Washington, D.C. In addition to the AJ+ English platform located in the United States, the AJ+-branded platform includes facilities located in other countries that produce content in different languages.¹ Because this letter only concerns AJ+ operations in the United States, we will hereinafter refer to the U.S.-based portion as “AJ+.” We understand AJ+, in the United States, to consist of approximately 80 employees,

¹ July 26 Letter, p.3.

whose salaries are paid by funds originating with the Government of Qatar. AJ+'s business is to produce digital video news segments covering various topics of U.S. domestic and international issues, which it disseminates through various online and social media platforms.²

AJ+ is operated in the United States by Al Jazeera International (USA) LLC ("AJI"), a Delaware limited liability company that is also registered in Washington, D.C., California, Florida, Illinois, and New York.³ AJI was formed on February 28, 2017, following a change in corporate form from Al Jazeera International (USA) Inc., which was incorporated in Delaware on August 30, 2005.⁴ AJI is an operating division of AJMN, which provides AJI's funding through other U.S.-based subsidiaries. This funding, in turn, flows to AJ+. AJI also employs all of AJ+'s U.S.-based employees.⁶

AJMN is the parent company of AJI, and by extension, AJ+. It is headquartered in Doha, Qatar, and was formed on May 18, 2011, by decree of Hamad Bin Khalifa Al-Thani, then Emir of the State of Qatar.⁸ AJMN is characterized under the laws of Qatar as "a private corporation for the public benefit."⁹ The Government of Qatar provides the entire funding for AJMN.¹⁰ According to its Governing Document, promulgated by the Emir, AJMN is managed by a Board of Directors appointed by the "Founder," the Emir.¹¹ Further, under the Governing Document, the Emir retains control of the budget and general policy of AJMN.¹²

IV. Bases for AJ+'s Obligation to Register Under FARA

AJ+ is obligated to register under FARA because it is acting within the United States as an agent of two foreign principals: the Government of Qatar and AJMN. As explained below, AJ+ is an agent of these two foreign principals because it acts at their direction and control. AJ+

² *Id.*, pp. 9-11.

³ *Id.*

⁴ *Id.*, p. 3.

⁵ See *Winmar, Inc. v. Al Jazeera International*, 741 F. Supp.2d 165, 170 (D.D.C. 2010) (finding of fact that AJI [Inc.] was division of AJMN, an entity organized under the laws of the Government of the State of Qatar and having its principal place of business in Doha, Qatar). The successor entities, AJMN and AJI (LLC), retain the same relationship to each other.

⁶ July 26 Letter, p. 3.

⁷ *Id.*, pp. 1, 3. See, September 23 Letter (detailing corporate control of AJ+ and providing organization chart).

⁸ Law No. 10 of 2011 on the Conversion of Al Jazeera Satellite Network ("AJSN") to a Private Corporation for the Public Benefit, AL MEEZAN, QATAR LEGAL PORTAL, <http://www.almeezan.qa/LawView.aspx?opt&LawID=2471&language=en>. AJSN's "rights and obligations assigned thereto or thereon shall be devolved to Al Jazeera Media Network immediately after its establishment as a private corporation." *Id.*, Art. (2).

⁹ *Id.*, Art. (3).

¹⁰ Memorandum of Association, Al Jazeera Media Network, Article (4); July 26 Letter, Exh. 3.

¹¹ Governing Document of Al Jazeera Media Network, Article (4); July 26 Letter, Exh. 4.

¹² *Id.*, Art. (20) and (24).

engages in two types of activities within the United States on behalf of the Government of Qatar and AJMN, each of which triggers an obligation to register pursuant to FARA: (1) it engages in political activities and (2) it acts as a publicity agent.

A. *The Government of Qatar is a Foreign Principal Under the Act*

As noted above, FARA defines “foreign principal” to include “a government of a foreign country and a foreign political party.” 22 U.S.C. § 611(b)(1). The Government of Qatar, clearly meets this definition, and is a foreign principal under the Act.

B. *AJMN is a Foreign Principal and an Agent of the Government of Qatar*

FARA also defines “foreign principal” to include “a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.” 22 U.S.C. § 611(b)(3). AJMN is organized and headquartered in Qatar, and, thus, is also foreign principal under the Act.

In addition to being a foreign principal, AJMN is an agent of the Government of Qatar under FARA.¹³ AJMN was established in its current form by Qatari Law no. 10 of 2011, which changed its legal status under Qatari law from an independent public corporation to a “Private Corporation for the Public Benefit.”¹⁴ Despite assertions of editorial independence and freedom of expression,¹⁵ AJMN and its affiliates are controlled and funded by the Government of Qatar. The documents accompanying the February 8 Letter demonstrate this point. The Al Jazeera brands operate in a centralized structure with decision-making power located in AJMN. Because the Government of Qatar has ultimate authority through its control of AJMN’s Board of Directors and AJMN’s budget, it exercises ultimate control of AJMN and all other subsidiary branches.¹⁶ For example, Qatar’s State Audit Bureau has input and approval power over AJMN’s expenditures.¹⁷ And, strategic decisions concerning the structure of AJMN’s operations and the marketing of Al Jazeera branded products, including AJ+, are made at the executive level of AJMN, with the tacit approval of the Government of Qatar.¹⁸ AJ+, since its inception, has been a U.S.-operating arm of AJMN.

While the July 26 Letter asserts that the conversion of the Qatari Satellite Channel to AJMN ensured AJMN’s independence from the Government of Qatar, the facts suggest

¹³ “The term *foreign principal* includes a person any of whose activities are directed or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal as that term is defined in section 1(b) of the Act.” 28 C.F.R. § 5.100(a)(8).

¹⁴ See July 26 Letter, p.7; Law No. 10 of 2011, *supra*. See also, July 26 Letter, Exh. 3 (Memorandum of Association, Al Jazeera Media Network).

¹⁵ *Id.*, Exh. 3 (Memorandum of Association, Article 3).

¹⁶ See e.g., ALJAZEERA US INTEGRATION, Executive Summary (AJ-F-00000218 – AJ-F-00000285).

¹⁷ See e.g., E-mail from Sahir Elambilikad to Isam Hassan M. Solaiman, *et al* (AJ-F-00002076 – AJ-F-00002077).

¹⁸ See e.g., DIGITAL READING PACK (AJ-F-00000315 – AJ-F-00000459).

otherwise. AJMN's Board of Directors is appointed under the sole authority of the "Founder," the former Emir of Qatar, Sheik Hamad bin Khalifa Al Thani, and completely funded by the Government of Qatar.¹⁹ The Qatari government could and may withdraw or limit funding at any time, in its sole discretion, or dismiss and/or replace any of the directors at any time.²⁰ The July 26 Letter and accompanying documents demonstrate that all significant organizational, budget, and managerial decisions must ultimately have the approval of the Government of Qatar.²¹ The July 26 Letter outlines an operational and managerial chain of command which starts with AJ+ and extends through AJMN to the Government of Qatar. In addressing the Emir's almost complete financial support of AJMN, *The Evening Standard* notes in an article:

The emir [of Qatar] expects something in return: support – subtle but clear – for his foreign policy objectives. Although publicly Al Jazeera insists it is "not partisan", one senior correspondent concedes: "We're only 85 per cent independent. The other 15 per cent of the time we are helping to gently make the case for Qatar's view of the region and the wider world." An editor adds: "My job is to make sure we are independent enough to be credible journalistically while also pleasing our paymasters."²²

It is apparent that the Government of Qatar considers the Al Jazeera brand to be a means with which to project soft power. Qatari Ambassador Ahmed bin Saeed Al-Ruhaihi, an official in the Ministry of Foreign Affairs, recently stated: "For more than two decades, the media represents an element of soft power for the State of Qatar."²³

As a result, there is ample evidence that reporting disseminated by AJMN-controlled entities under the Al Jazeera label, often reflects the Government of Qatar's views on issues of public importance, such as terrorism,²⁴ Qatar's positive view of Iran,²⁵ Qatar's support for the

¹⁹ See Governing Document of Al Jazeera Media Network, *supra*.

²⁰ *Id.* A member of Qatar's ruling family, Sheikh Hamad bin Thamer Al Thani, serves as AJMN's current Chairman of the Board of Directors. <https://network.aljazeera.com/about-us/leadership>.

²¹ The production of documents accompanying the February 8, 2019, letter bear out this point. The Al Jazeera brands operate in centralized structure with decision making power focused in AJMN. As the Government of Qatar has ultimate authority through its control of AJMN's Board of Directors and AJMN's budget, it exercises ultimate control of AJMN and all other subsidiary branches. See e.g., AJ-F-00000218 – AJ-F-00000285. Qatar's State Audit Bureau has input and approval power of AJMN's expenditures. See e.g., AJ-F-00002076 – AJ-F-00002077.

²² John Aldridge, *Is This the End of Al Jazeera?*, EVENING STANDARD (June 22, 2017), <https://www.standard.co.uk/lifestyle/esmagazine/is-this-the-end-of-al-jazeera-a3569306>.

²³ Amb. Ahmed bin Saeed Al-Rumaibi, *Media as One of Qatar Soft Power Elements*, AI DIPLOMACY 37 (Dec. 2017), <http://en.calmeo.com/read/005121764e12ed91c1e0>.

²⁴ Ramzy Baroud, *The Arab vision for fighting terrorism*, AL JAZEERA (June 22, 2017), <https://www.aljazeera.com/indepth/features/2017/06/arab-vision-fighting-terrorism-170613065355634.html>; Andrew Chappelle, *Abu Dhabi's problem with the Muslim Brotherhood*, AL JAZEERA (May 26, 2018), <https://www.aljazeera.com/news/2018/05/abu-dhabi-problem-muslim-brotherhood-180526105937656.html>.

²⁵ Al Jazeera, *Start Here: What's behind the Qassem Soleimani assassination?* (Jan. 8, 2020), <https://www.aljazeera.com/programmes/start-here/2020/01/soleimani-assassination-200107151743152.html>; Imran Khan, *Analysis: How Saudi Arabia and Iran became rivals*, AL JAZEERA (June 4, 2020), <https://www.aljazeera.com/indepth/features/analysis-saudi-arabia-iran-rivals-200604084610721.html>; *Iran and US*

Palestinian cause and opposition to Israel,²⁶ Qatar's position on the war in Yemen,²⁷ and the Qatari government's view of the Saudi Arabian-led embargo against Qatar.²⁸ This conformity of views draws further inference that AJMN, through the Al Jazeera brand, acts as an agent of the Government of Qatar.²⁹

C. *AJ+ is an Agent of the Government of Qatar and AJMN*

A party is an "agent of a foreign principal" under the Act when that party acts at a foreign principal's "direction or control." 22 U.S.C. § 611(c)(1). The Government of Qatar and AJMN direct and control AJ+ in multiple ways, including, by providing the sole, revocable source of its funding. AJMN's Board of Directors is appointed under the sole authority of the former Emir of Qatar, and AJMN is completely funded by the Government of Qatar.³⁰ The Government could withdraw or limit funding at any time in its sole discretion, and dismiss or replace the directors at any time.³¹

As noted repeatedly in the July 26 Letter, the May 17 Letter, and associated exhibits, funding for AJ+'s operations originates with the Government of Qatar and flows through AJMN and intermediary Al Jazeera affiliates. Such comprehensive funding evidences the Government of Qatar's control over AJ+ and establishes that AJMN is effectively a foreign government principal,³² and its agents, therefore, are agents of the Government of Qatar for purposes of FARA.

Your letters and accompanying documents also demonstrate that all significant organizational, budget, and managerial decisions must ultimately have the approval of the Government of Qatar. The July 26 Letter outlines an operational and managerial chain of command that extends linearly from AJ+ to AJI to AJMN to the Government of Qatar.³³ In order to launch the AJ+ digital platform, the Manager of AJ+, Moeed Ahmad, had to obtain the

President Donald Trump: A timeline of key events, (June 29, 2020), <https://www.aljazeera.com/news/2020/06/iran-president-donald-trump-timeline-key-events-200629145928176.html>.

²⁶ Zena Tahhan, *Israel's settlements: Over 50 years of land theft explained*, AL JAZEERA (November 21, 2017), <https://interactive.aljazeera.com/aje/2017/50-years-illegal-settlements/index.htm>. The Al Jazeera website also maintains a live features section entitled *Occupied West Bank News*, available at <https://www.aljazeera.com/topics/occupied-west-bank.html>.

²⁷ *Yemen accuses UAE-backed separatists of staging a coup in Socotra*, AL JAZEERA (June 21, 2020), <https://www.aljazeera.com/news/2020/06/yemen-accuses-uae-backed-separatists-staging-coup-socotra-200621070336058.html>.

²⁸ Alia Chugtal, *Understanding the blockade against Qatar*, AL JAZEERA (June 5, 2020), <https://www.aljazeera.com/indepth/interactive/2018/05/understanding-blockade-qatar-180530122209237.html>.

²⁹ AJMN's activities in the United States are thus registrable under FARA. See 22 U.S.C. § 611(c).

³⁰ See Governing Document of Al Jazeera Media Network, *supra*.

³¹ *Id.*

³² See 22 U.S.C. § 611(c) (an entity qualifies as a foreign principal when its "activities are financed or subsidized in whole or major part by a foreign principal").

³³ July 26 Letter, pp. 2-6.

approval (and funding commitment) of AJMN's senior management.³⁴ Once that approval was obtained in 2013, AJ+ was launched in the United States in 2014. AJMN was and remains a foreign principal for AJ+, with AJ+ acting as its agent under FARA.

Furthermore, AJMN is controlled by the former Emir of Qatar, who remains part of Qatar's ruling family. According to your letters, Mr. Ahmad reports to Dima Khatib, the Managing Director of AJ+, who reports to Dr. Yaser Bishr, Executive Director of Digital at AJMN, who reports to AJMN's Director General, the effective CEO of the company.³⁵ The Director General is appointed by AJMN's Board of Directors, who are *all* appointed by Sheikh Hamad bin Khalifa Al Thani, AJMN's "Founder."³⁶ Sheik Al Thani still controls appointments to AJMN's Board of Directors.

As noted previously, strategic decisions concerning the structure of AJMN's operations and the marketing of Al Jazeera branded products, including AJ+, are made at the executive level of AJMN, with the tacit approval of the Government of Qatar,³⁷ making AJ+ the U.S.-operating arm of AJMN.

D. AJ+ Engages in "Political Activities" on Behalf of the Government of Qatar and AJMN

Information drawn from a variety of sources demonstrates that AJ+ engages in "political activities" in the United States on behalf of the Government of Qatar and AJMN intended to "influence . . . any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or foreign political party." 22 U.S.C. § 611(o).

AJ+ produces and publishes video news segments in the United States, from its Washington, D.C. office,³⁸ intended to be "responsive to the interests of its audience."³⁹ Its segments are specifically designed for social media platforms, with mobile viewing expressly intended. You report that the segments are generally one to three minutes in length with text imposed over images to facilitate playback without sound.⁴⁰ Those social media platforms are located in the United States and include Twitter, Facebook, YouTube, Instagram, Medium,

³⁴ *Id.*, p. 4.

³⁵ February 8 Letter, p. 2.

³⁶ *Id.* Sheik Hamad bin Khalifa Al Thani abdicated the title of Emir in 2013, but remains part of the royal family and retains his active position as the Founder of AJMN.

³⁷ See e.g., DIGITAL READING PACK (AJ-F-00000315 – AJ-F-00000459).

³⁸ See May 17 Letter, Exh. 11 (AJ+ D.C. Newsroom Playbook).

³⁹ May 17 Letter, p. 2.

⁴⁰ May 17 Letter, pp. 10-11. By our own observation, the length of AJ+ segments appears to be, in most cases, between five and ten minutes. AJ+, Videos, YOUTUBE, <https://www.youtube.com/channel/UCV3Nm3T-XAgVhKH9jT0ViRg/videos> (last accessed June 29, 2020).

Apple News, Apple TV, Android TV, and Amazon Fire TV.⁴¹

With respect to the U.S. agents of foreign media organizations, the registration requirement does not depend on the accuracy of reporting, or the viewpoint (or viewpoints) expressed in it, but rather on whether the organization intends to influence, in any way, the American public and policy makers on relevant topics, such as U.S. domestic policy or foreign relations. Journalism designed to influence American perceptions of a domestic policy issue or a foreign nation's activities or its leadership qualifies as "political activities" under the statutory definition, noted above, even if it views itself as "balanced" or aims to balance reporting by other journalists.⁴² AJ+ is designed and purposely intended to influence American attitudes and approaches towards particular issues in the news, as recounted below.

AJ+'s own Style Guide reveals AJ+'s intention to influence audience attitudes with its reporting.⁴³ Although the Style Guide describes AJ+'s journalistic style as objective, examples of AJ+'s intent to influence are present throughout the Style Guide. For instance, the Style Guide instructs, "We say *the Israeli army*, not the 'Israeli Defense Forces' or 'IDF.'"⁴⁴ It also directs presenters and writers not to use the words "terrorism" or "terrorists," noting "[o]ne person's terrorist is another's freedom fighter" and that the terms are "entirely subjective."⁴⁵ The Style Guide also instructs AJ+ not to attribute use of the term "genocide" to a particular group and not to characterize the Muslim Brotherhood as an Islamic/Islamist group.⁴⁶ Moreover, AJ+'s Style Guide provides identical instructions for usage and terminology as those found in Al Jazeera English's Style Guide in 2015.⁴⁷ This provides yet additional evidence that AJ+'s reporting is reflective of the point of view of AJMN, a foreign principal, and the Al Jazeera brand.⁴⁸

As noted above, the Government of Qatar has long considered Al Jazeera, of which AJ+

⁴¹ July 26 letter, pp. 16-17

⁴² See *Meese v. Keene*, 481 U.S. 465, 477 (1987) (In context of definition of "political propaganda," a term defined in FARA prior to its replacement with the term "informational materials," the court noted that materials falling within the definition and requiring registration and labeling under FARA if disseminated on behalf of a foreign principal included "advocacy materials that are completely accurate and merit the closest attention and highest respect.")

⁴³ See AJ+ Style Guide Overview (updated April 19, 2019), May 17 Letter, Exh. 6.

⁴⁴ *Id.*, at p.12.

⁴⁵ *Id.*, at pp. 16, 43.

⁴⁶ *Id.*, at pp. 10, 14.

⁴⁷ Brendan Bordelon, *Internal Emails Show Al Jazeera English Banning Use of Terms 'Terrorist,' 'Militant,' 'Islamist'*, NAT'L REV. (Jan. 27, 2015), <https://www.nationalreview.com/corner/internal-emails-show-al-jazeera-english-banning-use-terms-terrorist-militant-islamist/> (stipulating the same word-for-word guidance for "extremist," "terrorism/terrorist," "Islamist," "jihad," "fighters," and "militant" as the guidance in the AJ+ Style Guide).

⁴⁸ It also bears noting that material produced by AJ+ appears to be nearly devoid of criticism of the Emir, Qatari government officials, or the Government of Qatar. The principle is enshrined in Qatari law, specifically Law No. 8 of 1979 on Publications and Publishing at Articles 47 and 48, which prohibit any criticism of the Emir and allows the Minister of Information to prohibit publication of any material, which the Minister requests not to be published.

is a part, to be a means by which to project soft power. For instance, AJ+ pieces, as is the case with other Al Jazeera-branded products, invite questioning by its audience as to what conduct constitutes terrorism; demonstrate a disdain for the term "Islamist Terror;"⁴⁹ adopt a positive view of Iran;⁵⁰ show support for the Palestinian cause and question U.S. support for Israel;⁵¹ reflect a critical position on the war in Yemen;⁵² and a Qatari-sympathetic view of the Saudi Arabian-led embargo against Qatar.⁵³ This type of reporting supports an inference that AJ+ broadcasts are designed to influence the opinions and perspective of its U.S. audience as directed by the foreign principals and for their principal benefit.

In reaching the conclusion that AJ+ engages in political activities, we note the clear direction from Congress that "bona fide news or journalistic activities" do *not* fall outside the statute's reach unless they are undertaken by organizations "at least 80 per centum beneficially owned by, and its officers and directors, if any, are citizens of the United States, *and* such news or press service or association, . . . or other publication, is not owned, directed, supervised, controlled, subsidized, or financed, and *none* of its policies are determined by any foreign principal . . . or by any agent of a foreign principal required to register under this subchapter." 22 U.S.C. § 611(d) (emphasis added). AJ+ does not satisfy these requirements, because it is owned, financed, supervised, and controlled by the Government of Qatar and AJMN.

⁴⁹ AJ+, *Why We Don't Use the Word "Terrorist,"* YOUTUBE (June 4, 2015), https://www.youtube.com/watch?v=ZaC_bzgtODY.

⁵⁰ AJ+, *Who is Trying to Kill the Iran Deal?* YOUTUBE (June 24, 2018), https://www.youtube.com/watch?v=InQG_onnZMo; see Giogio Cafiero and Andreas Paraskevopoulos, *GCC Dispute Pushes Iran and Qatar Closer But With Caveats*, ATL. COUNCIL (June 17, 2019), <https://www.atlanticcouncil.org/blogs/iransource/gcc-dispute-pushes-iran-and-qatar-closer-but-with-caveats> (noting 181% increase in Iranian exports to Qatar between 2016 and 2017); *Iran: Rouhani Welcomes Developing Relations with Qatar*, AL JAZEERA (June 6, 2019), <https://www.aljazeera.com/news/2019/06/iran-rouhani-welcomes-developing-relations-qatar-190605154738749.html> (quoting Qatar's Emir Sheikh Tamim bin Hamad Al Thani as eager to develop relations with Iran).

⁵¹ AJ+, *Is What's Good for Israel Good for America?* YOUTUBE (Mar. 23, 2016), <https://www.youtube.com/watch?v=bE8LikYCvfo>; AJ+, *What Does BDS Mean For Palestine?* YOUTUBE (Oct. 26, 2017), <https://www.youtube.com/watch?v=RAxYkenR48w>; AJ+, *Is New York Blacklisting the BDS Movement?*, <https://www.youtube.com/watch?v=0EYgdfc5cns>; see Mick Krever, *Qatar's Emir: We Don't Fund Terrorists*, CNN (Sept. 25, 2014), <https://www.cnn.com/2014/09/25/world/meast/qatar-emir/index.html> ("We support all Palestinian people. We believe Hamas is a very important part of the Palestinian people.").

⁵² AJ+, *500 Days of War in Yemen*, FACEBOOK (Aug. 10, 2016), <https://www.facebook.com/ajplusenglish/videos/777422449065931/>; AJ+, *The U.S. Role In Yemen's War*, YOUTUBE (Apr. 4, 2016), <https://www.youtube.com/watch?v=yv-pNQxQXAs>; see *Qatar Backs US Calls for Yemen Truce*, GULF TIMES (Nov. 1, 2018), <https://www.gulf-times.com/story/611543/Qatar-backs-US-calls-for-Yemen-truce> (indicating Qatar Foreign Ministry support for a ceasefire in Yemen).

⁵³ AJ+, *Al Jazeera Responds To The Qatar-Gulf Crisis*, YOUTUBE (Jul. 6, 2017), <https://www.youtube.com/watch?v=aiPNeg8v8fo&t=5s>; see Mohammed Sergie, *Qatar Says Talks With Saudi Arabia Begin Only When Embargo Lifted*, BLOOMBERG (Dec. 15, 2018), <https://www.bloomberg.com/news/articles/2018-12-15/qatar-ruler-says-talks-with-saudi-begin-only-when-embargo-lifted> (expressing Emir Sheikh Tamim bin Hamad Al Thani's view that the blockade should be lifted).

E. AJ+ Acts as a “Publicity Agent” for the Government of Qatar and AJMN

AJ+ is also obligated to register under FARA, because it acts as a publicity agent for the Government of Qatar and AJMN. A “publicity agent” includes “any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or pictorial information or matter of any kind, including publication by means of . . . broadcasts, motion pictures or otherwise.” 22 U.S.C. § 611(h).

AJ+ produces English-language programming in the United States⁵⁴ in the form of brief video segments that AJ+ uploads to its own website⁵⁵ and to U.S.-branded online social media platforms that are viewed and disseminated in the United States.⁵⁶ According to the May 17 Letter, AJ+ creates content specifically for social media dissemination, and describes AJ+ as a dedicated “social publisher.”⁵⁷ While your communications to our office have sought to demonstrate AJ+’s journalistic independence, the term “publicity agent” under FARA is content neutral. It does not require an intent to advance the interests of a foreign principal. *See RM Broadcasting v. United States Dep’t of Justice*, 379 F. Supp.3d 1256, 1262 (S.D. Fla. 2019) (“FARA’s definition[] of . . . ‘publicity agent’ lack[s] any requirement of . . . intent” to advance interest of foreign principal). Nevertheless, as described above, the information disseminated by AJ+ reflects political activity.

By producing and disseminating news programming in the United States as an agent of AJMN and the Government of Qatar, AJ+ meets the definition of acting as a publicity agent, and thus obligated to register under FARA.⁵⁸

V. Conclusion

AJ+ is obligated to register under FARA because it acts at the direction and control of both the Government of Qatar and AJMN. AJ+’s activities on behalf of the Government of Qatar and AJMN satisfy the definition of two specified categories of activities that require registration under FARA: (1) engaging in political activities and (2) acting as a publicity agent. The content produced by AJ+ and disseminated in the United States seeks to “influence . . . any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States, or with reference to the

⁵⁴ AJ+ is currently headquartered in Washington, D.C. *See* July 26 and May 17 Letters. *See also* <https://www.ajplus.net/jobs-english>.

⁵⁵ <https://www.ajplus.net/>.

⁵⁶ Your July 26 Letter lists the following social media platforms as maintaining AJ+’s Internet presence: Twitter, Facebook, YouTube, Instagram, and Medium. Your letter also identifies Apple News, Apple TV, Android TV, and Amazon Fire TV, as platforms for AJ+ content. July 26 letter, pp. 16-17.

⁵⁷ May 19 Letter, p.10.

⁵⁸ Please note that acting as a publicity agent under FARA is a basis of registration separate from engaging in political activities. A party need not be trying to influence the American public or even have knowledge of the content of disseminated information to trigger registration under FARA. It only needs to engage directly or indirectly in dissemination of the information at the direction or control of a foreign principal. *RM Broadcasting, LLC v. United States Department of Justice*, 379 F. Supp. 1256, 1262 (S.D. Fla. 2019).

Mr. Ignacio E. Sanchez
Mr. William H. Minor
September 14, 2020
Page 11 of 11

political or public interests, policies, or relations” of Qatar and other countries in the region, and is therefore “political activity.” *See* 22 U.S.C. § 611(o). AJ+’s role in producing and disseminating video news segments in the United States, at the order, request, or under the direction and control of the Government of Qatar and AJMN, means that it is serving as a “publicity agent,” separately triggering an obligation to register under the Act. *See* 22 U.S.C. § 611(h).

To be clear, registration would not require AJ+ to alter the content of the programming and segments it produces and disseminates. Indeed, when registered as required, AJ+ will remain free to produce and disseminate any content it chooses. Registration will simply allow American consumers of AJ+-produced and disseminated information to be fully informed regarding the foreign principals behind AJ+’s product.

Please effect AJ+’s registration within thirty (30) calendar days of the date of this letter. Useful information and instructions on how to register may be found on our website: <https://www.fara.gov>. If you have any questions regarding registration, please contact Senior Trial Attorney Clifford I. Rones at (202) 233-0776 or FARA.public@usdoj.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Bratt', with a long horizontal flourish extending to the right.

Jay I. Bratt

Chief

Counterintelligence and Export Control Section