

# United States Senate

July 26, 2022

The Honorable Merrick B. Garland  
United States Attorney General  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Attorney General Garland:

We write to bring to your attention recent inactions by the Department of Justice (DOJ) that raise significant national security concerns and bring into question DOJ's motives in failing to assist our international partners or take action to enforce the laws of the United States. We urge you to promptly reply to and assist the Argentine judiciary in their investigation of a Venezuelan aircraft, along with its crew and passengers, located on Argentine soil, and utilize all of the Department's tools and authorities to enforce any and all appropriate measures available under U.S. laws—including seeking forfeiture of the aircraft.

As you are certainly aware, on June 6, 2022, a Venezuela-flagged plane with a crew of fourteen Venezuelans and five Iranians, including at least one senior Tehran official, landed in Argentina. Upon inspection, Argentine federal police discovered the plane's cargo contained intelligence technologies and related military hardware, providing credible suspicion for malign activities related to cyber and intelligence operations. In addition, the pilot of this aircraft, Gholamreza Ghasmei, is a board member, shareholder, and manager of Qeshm Fars Air, an Iranian airline sanctioned by the U.S. Department of Treasury. It is well documented that the Islamic Revolutionary Guard Corps (IRGC), a designated foreign terrorist organization, uses Fars Air to smuggle weapons, leading to questions of Ghasmei's potential involvement in the delivery of lethal materials supporting efforts of the Islamic Revolutionary Guard-Qods Force. As a result, the government of Argentina detained the plane by court order and is currently retaining the passports of the passengers and crew.

It is our understanding that DOJ may possess information key to Argentina's investigation. For example, DOJ may be able to confirm whether the aircraft, operating under the banner of Emtrasur Cargo, is the same aircraft loaned to the Venezuelan airline by Mahan Air in January 2022 or if the individuals have any involvement in assisting the Iranian regime's terrorist activities. In fact, the Argentine judiciary made a formal request to DOJ for that exact information one month ago through the mutual legal assistance treaty (MLAT) process. The request has reportedly gone unanswered and there are no indications that it will be honored.

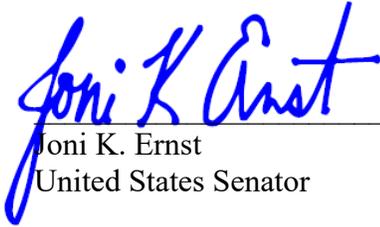
Bilateral MLATs are a critical demonstration of our commitment to partners around the globe, international diplomacy, and the functioning of international prosecutions. The lack of responsiveness to Argentina confuses a longstanding record of timely, mutual compliance, which has enjoyed great success in combatting terrorism and illicit financing in the tri-border area. Moreover, last week, Iran formally requested Argentina dissolve the investigation. Should DOJ continue to be unresponsive, Argentina will have no choice but to release the aircraft and its crew.

The laws of the United States and the enforcement of those laws, in particular sanctions laws, are not optional. The uncharacteristic delay and lack of responsiveness by the Department of Justice suggests a prioritization of other parts of this administration's agenda, such as negotiations over a new Iranian nuclear deal. This is unacceptable, as justice cannot be administered at the expense of political whims or sensitivities. Our laws must be administered equally and enforced at all times.

Therefore, we request that you provide assurances that the delivery of vital information requested by the Argentine judiciary is no longer delayed and that DOJ fulfill its proper investigatory and enforcement role with

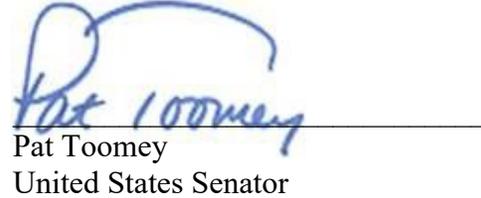
respect to the aircraft, passengers, and crew. In addition, we request that you provide a staff briefing on the reasons behind the delay by August 5, 2022.

Sincerely,

  
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Joni K. Ernst  
United States Senator

  
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Charles E. Grassley  
United States Senator

  
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Lindsey O. Graham  
United States Senator

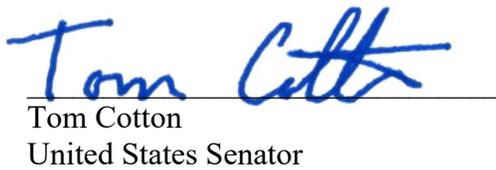
  
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Pat Toomey  
United States Senator

  
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Marco Rubio  
United States Senator

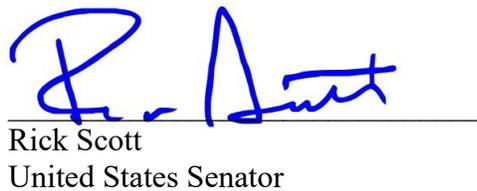
  
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Ted Cruz  
United States Senator

  
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Bill Cassidy, M.D.  
United States Senator

  
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James Lankford  
United States Senator

  
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Tom Cotton  
United States Senator

  
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Kevin Cramer  
United States Senator

  
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Rick Scott  
United States Senator

  
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Bill Hagerty  
United States Senator